



WP(MD) No.13558 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13558 of 2024

and

W.M.P(MD)No.11955 & 11957 of 2024

B.Jeyasundaram

... Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.

2.The Commissioner of School Education,

O/o. the Commissioner of School Educational Office,
DPI Compound,
Chennai.



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3. The Director of School Education,
O/o. the Director of School Education,
DPI Compound, Chennai.

4. The State Project Director
Samagra Shiksha, (Integrated School Education),
State Project Directorate,
D.P.I Campus,
Chennai - 600 006.

5. The Joint Director of School Education (Personnel),
O/o. the Joint Director of School Educational Office,
Chennai - 600 006.

6. The Chief Educational Officer
O/o. The Chief Educational Officer,
Theni District,
Theni - 625 531.

7. The Chief Educational Officer
O/o. The Chief Educational Officer,
Dindigul District,
Dindigul.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order vide Na.Ka.No.035744/௪4/இ2/2024 dated 14.06.2024 passed by the 3rd respondent and the consequential order vide Na.Ka.No 1250/அ/ஒ.ப.க./2024 dated 18.06.2024 passed by the 7th respondent and quash the same and consequently directing the respondents to transfer the petitioner to the resultant vacancy of Tamil in Uthamapalayam Block Resource Centre, Theni District.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr. T.Amjad Khan

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order vide Na.Ka.No.035744/௪4/இ2/2024 dated 14.06.2024 passed by the 3rd respondent and the consequential order vide Na.Ka.No 1250/அ/ஒ.ப.க./2024 dated 18.06.2024 passed by the 7th respondent and consequently directing the respondents to transfer the petitioner



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to the resultant vacancy of Tamil in Uthamapalayam Block Resource Centre, Theni District.

2. Heard Mr.D.Shanmugaraja Sethupathi, learned counsel for the petitioner and Mr. T.Amjad Khan, learned Government Advocate appearing for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. Attention was drawn to the interim arrangement for general transfer counseling which has been effected for the year May 2024. For the sake of clarity, the order dated 30.04.2024 passed in W.A.(MD) No.842 of 2024 by the Division Bench of this Court in this regard is extracted as under :

“(i)According to the learned Additional Advocate General, approximately, 725 vacancies in all 38 districts of the State of Tamil Nadu for the post



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of Block Resource Teacher Educator (BRTE) would be brought under general counselling to be undertaken in the month of May, 2024;

(ii) All the BRTEs., would be eligible to participate in such counselling;

(iii) Insofar as the present appellants, who are the writ petitioners, are concerned, they have been working in the present stations. Because of the continuous litigations, they will be able to retain in the same place till date.

(iv) However, such 105 vacancies, where these appellants are still retained, are also to be brought under counselling. Therefore, 725 vacancies approximately include these 105 vacancies also.

(v) In view of the same, these BRTEs., working in 105 stations will be immediately relieved by 30.04.2024 or 01.05.2024. In the transferred place, these 105 BRTEs., should join and report.

(vi) Thereafter, these 105 BRTEs., also can participate in the counselling to be conducted in the month of May, 2024 for the entire 725 vacancies.

(vii) Such a counselling shall be conducted based on the State-wide seniority, where the entire BRTEs., would be taken into account for the purpose of maintaining the State-wide seniority and



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accordingly, counselling shall be conducted.

(viii) If a senior most person selects a place among the 725 vacancies, the moment he had selected, the place vacated by him is also to be shown as vacant for the purpose of the next man to choose, if he wishes. Like that, the counselling shall go on to fill up entire 725 vacancies.”

5. Now the learned counsel for the petitioner submitted that he was the Block Resource Teacher Educator (hereinafter referred to as the 'BRTE' for short) working in Theni District. Since his transfer fell due, he also participated in the general counseling for transfer.

6. The learned counsel for the petitioner submitted that one Bhuvaneshwari, who was also working at BRTE (Tamil) has opted to go to Bodinayakkanur in view of her option the post BRTE (Tamil) at Uthamapalayam fell vacant. But the said vacancies has not been shown in accordance with the arrangement order passed by



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the Division Bench of this Court and in view of that, he needed to chose Dindigul and presently working in Dindigul.

7. The learned Government Advocate submitted that the even though Bhuvaneshwari has opted to choose Bodinayakkanur, one post in Bodinayakkanur School where Bhuvaneshwari worked had been declared as surplus and hence, the vacancy has not been filled up.

8. The learned counsel for the petitioner submitted that one Valarmathi has been accommodated in the vacancy instead of this petitioner, even though the petitioner happened to be a senior to Valarmathi, but what is revealed from the submission made by the Government Advocate is that Valarmathi belongs to BRTE (Maths) and this petitioner is BRTE (Tamil).

9. One Bhuvaneshwari, who had opted Bodinayakkanur



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is also BRTE (Tamil) and hence, there cannot be any surplus declared in BRTE (Tamil). This has got nothing to do with Valarmathy, who is a BRTE (Maths). It seems that BRTE (Tamil) in Uthamapalayam remains vacant and it is yet to be filled up.

10. In such case, the respondents shall consider the petitioner to be posted in Uthamapalayam BRTE (Tamil) in compliance with the directions given by the Division Bench of this Court on 30.04.2024 in W.A.(MD) No.842 of 2024.

11. With the above direction, this writ petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

25.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

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7.The Chief Educational Officer
O/o.The Chief Educational Officer,
Dindigul District,
Dindigul.

Order made in
W.P.(MD)No.13558 of 2024

Dated:
25.06.2024