



W.P.(MD)No.16575 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16575 of 2024

and

W.M.P.(MD).Nos.14340, 14341 & 14342 of 2024

A.Ameenal

... Petitioner

Vs.

- 1.The Director of School Education,
EVK Sampath Maaligai, DPI Campus,
College Road, Nungampakkam,
Chennai-600 006.
- 2.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai, Dpi Campus,
College Road, Nungampakkam,
Chennai-600 006
- 3.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tirunelveli District, Tirunelveli/
- 4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.
- 5.The Head Master,
Government Higher Secondary School,
Vannikonenthal,
Tirunelveli-627 951.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fifth respondent vide Na.Ka.No.155/2024 dated 15.07.2024 and quash the same and consequently directing the respondents to permit the petitioner to work continuously in Government Higher Secondary School, Vannikonenthal, Tirunelveli District, as per the order passed by the second respondent vide Na.Ka.No.005258/C3/E2/2022 dated 13.01.2023.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

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

2. Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

3. The petitioner has filed this writ petition challenging the order of the fifth respondent dated 15.07.2024, through which, the petitioner's deputation



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has been cancelled and she has been relieved. The above order has been challenged on the ground that the fifth respondent has got no competence to pass an order to relieve the petitioner and the impugned order has been passed after escaping from the clutches of the Court by temporarily accommodating the petitioner on deputation and reporting before the Court during the contempt proceedings in Cont.P(MD)No.1082 of 2022 dated 03.03.2023 that the earlier orders of the Court had been complied with.

6. The issue on hand is no longer a *res-integra*. This Court has already dealt with similar issue in ***W.P.(MD).No.15765 of 2024, dated 12.07.2024***, in the case of ***E.Helen Tharia Vs. The Director of School Education, EVK Sampath Maaligai, DPI Campus, College Road, Nungampakkam, Chennai-600 006 and others***. The Similarly placed person has already approached this Court through the above petition and got favourable orders in her favour, wherein, it is held as follows :

“8. The very purpose of giving preference during counselling for the academic year 2021-2022 is only in view of the huge vacancies and the services of BRTEs (Block Resource Teacher Educator) should be utilised for Government High/Higher Secondary Schools. It is to be noted that all this BRTEs have been converted to BT Assistant and the conversion also seems to be taken effect in a phased manner by giving conversion to 500 BRTEs to BT Assistant per year. Since assurance given to the petitioner through G.O.Ms.No.134 dated 18.08.2021 and the



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same has not been complied and the petitioner and similar others were compelled to knock the doors of the Court on several occasions.

9. It would be fair on the part of the respondents to honour their own orders and assurance at least by giving preference during the ongoing counselling. If for any reasons, the ongoing counselling also does not have any vacancies in the District of Kanyakumari then it is for the respondents to take a decision for not disturbing the petitioner from the Kanyakumari District either by revocation of deputation or otherwise. So it goes without saying that atleast in one counselling, the petitioner and like others should be given preference in order to honour the assurance given by the respondents in the G.O.Ms.No.134 dated 18.08.2021. It is to be noted that if the petitioner is accommodated in the place of her convenience either by transfer or by deputation for a period of more than 3 years, then it goes without saying that she is expected to participate in the next transfer counselling.

10. With the above observation, this Writ petition is allowed and the impugned relieving order dated 03.07.2024 is set aside. No Costs. Consequently, connected miscellaneous petitions are closed.”

7. Following the same, this Writ Petition is **allowed** and the impugned relieving order dated 15.07.2024 passed by the fifth respondent is set aside. No costs. Consequently, the connected miscellaneous petitions are closed.

29.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

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Chennai-600 006.
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R.N.MANJULA, J.

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