



W.P.(MD).Nos.17366 to 17373 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).Nos.17366 to 17373 of 2024
and WMP(MD) Nos.15007, 15008, 15013, 15014, 15020 to 15023, 15037,
15038, 15040 to 15045 of 2024

In W.P(MD) No.17366 of 2024:

V.Sarulatha

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
School Education(Pa.Ka.5(1) Department,
Fort. St. George, Chennai - 9.

2. The Commissioner of School Education,
DPI Complex, Chennai -6.

3. The Director of Elementary Education,
DPI Complex,
Chennai - 6.

4. The Chief Educational Officer,
Virudhunagar District.

5. The District Educational Officer,
Sivakasi, Virudhunagar District.

6. The Block Educational Officer,
Sivakasi Union, Virudhunagar District.

... 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 pertaining to the impugned order in Na.Ka.No.2004/A5/2021, dated 24.02.2022 on the file of the 4th respondent and quash the same as illegal and consequently for a direction directing the 4th respondent to transfer the petitioner to the post of Secondary Grade Teachers in any of the vacant or need post within the parent union of the petitioners in the Sivakasi Union in accordance with the Government order in G.O.(ID).No.217 school Education (Pa.Ka.5(1) Department, dated 20.06.2019 and the order passed by this Honourable Court in W.P.(MD).No.19520 of 2019 and batch, dated 25.11.2019 within the time period stipulated by this Court.

For Petitioner : Mr. B.Sargunam
For Respondents : Mr.T.Amjad khan
Government Advocate

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, these writ petitions are disposed of by way of this common order.

2.Heard Mr.B.Sargunam, learned counsel appearing for the petitioner and Mr.T.Amjad khan, learned Government Advocate appearing for the respondents.



W.P.(MD).Nos.17366 to 17373 of 2024

WEB COPY

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

4.The petitioners, who have been working as Secondary Grade Teachers, have been deployed due to surplus from Sivakasi block to Virudhunagar block. Since there are enormous vacancies in the Sivakasi block, despite the petitioners have been deployed due to surplus, they were not brought back to Sivakasi block (parent block). Such vacancies in the Sivakasi block are being filled up without considering the petitioners like others, who have been deployed due to surplus.

5.The petitioners have filed these writ petitions challenging the order of deployment and consequently to direct the 4th respondent to transfer the petitioners within the parent union of the petitioners in the Sivakasi Union.

6.So far as the deployment is concerned that has already been carried out. Even according to the submission of the petitioners, they were obeyed the deployment order and now they are working in Virudhunagar block.



W.P.(MD).Nos.17366 to 17373 of 2024

Since the deployment order itself become infructuous, there is no question of setting aside the same.

7.Now the petitioners grievance is that, without considering them to be transferred back to Sivakasi block, whenever the vacancies arise, the respondents are accommodating others to fill up the vacancies.

8.Earlier when similar petitioners have filed a writ petition in W.P(MD) No. 8791 of 2023, dated 18.04.2023 this Court has passed the following interim order, which is extracted hereunder:

“The petitioners were originally working in Sivagangai Union. They have been transferred to Kariapatti Union. The order of transfer itself states that as and when vacancies arise in Sivakasi Union, they will be brought back. The grievance of the petitioners is that even though vacancies have since arisen, instead of accommodating those who have transferred from Sivakasi Union, on socalled administrative grounds, persons have been transferred and posted from other unions in Sivakasi. The petitioners states if such transfers are permitted, the petitioners will not be able to get back to Sivakasi Union at all. I find some force in the said contention. The official



W.P.(MD).Nos.17366 to 17373 of 2024

WEB COPY

respondents are restrained from filing up future vacancies in Sivakasi Union without getting orders from this Court.

9.It is now submitted by the petitioners that in pursuant to the interim order granted in that petition, some of the petitioners, who have filed that writ petitions had got an advantage of coming back to Sivakasi block.

10.As per the guidelines for transfer due to surplus issued under Government Order in G.O.(ID).No.217 school Education (Pa.Ka.5(1) Department, dated 20.06.2019, it is stated that whenever surplus deployment has been done and due to which, the teachers happened to be posted outside the block, priority should be given to such teachers whenever vacancy arises in the parent block,

11.In view of the above, there cannot be any impediment for the respondents to follow the said guidelines whenever such vacancy arises in Sivakasi block, It is seen that the petitioners have not given any representation to that effect to the respondents, but had simply chosen to challenge the deployment order, which has already come into force.



W.P.(MD).Nos.17366 to 17373 of 2024

WEB COPY

12.Since it is learnt that pursuant to the orders, even the persons junior to the petitioners have been reverted back to their parent union, in such case, the petitioners representation also be considered positively and prioritized.

13.In view of the above observations, these writ petitions are disposed of by giving liberty to the petitioners to give a representation to the 4th respondent and on receipt of the same, the 4th respondent shall consider the same positively in terms of above guidelines and accommodate the petitioners as and when the vacancy arises in the Sivakasi Block. No costs. Consequently, connected miscellaneous petitions are closed.

29.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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ORDER IN
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