



W.P(MD).No.23100 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.23100 of 2024

and

W.M.P(MD)No.19582 of 2024

The Superintendent of R.C. Schools
R.C Diocese of Sivagangai,
Sivagangai-630 561
Sivagangai District.

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 3.The District Educational Officer,
(Elementary Education)
Sivagangai,
Sivagangai District.
- 4.The Block Educational Officer-2,
Kalayarkovil, Sivagangai District.



W.P(MD).No.23100 of 2024

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5.The Block Educational Officer,
Manamadurai, Sivagangai District.

6.The Correspondent,
St.Joseph's R.C Middle School
Susaiapparpattanam,
Sivagangai District.

7.The Correspondent,
St.Antony's Primary School
Therku Santhanoor
Manamadurai,
Sivagangai District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent District Educational Officer in Na.Ka.No.1164/A4/2024 dated 26.06.2024 and the consequential impugned proceeding of the 4th respondent Block Educational Officer in Na.Ka.No.809/A2/2024 dated 07.2024 refusing to approve/countersign the relieving order issued by the 6th respondent school, quash the same and further direct the fourth respondent Block Educational Officer herein to approve/countersign forthwith the relieving order submitted by the sixth respondent school and further direct the 3rd respondent District Educational Officer(Elementary), Sivagangai herein to approve forthwith the transfer and promotion of Tmt.P.Juli as Headmistress in the 7th respondent school w.e.f 11.06.2004 and the disburse grant aid towards her salary along with arrears.



W.P(MD).No.23100 of 2024

For Petitioner : Mr.A.Amala
For R1 to R5 : Mr.J.Ashok
Additional Government Pleader
For R6 & R7 : No appearance

ORDER

The instant writ petition has been filed by the Management of Aided School challenging the order of deployment issued to one Tmt.P.Julie, who is working as a Secondary Grade Teacher in the said School.

2.One Mrs.P.Julie, who was working as a Secondary Grade Teacher in the petitioner school, was deployed to Panchayat Union Primary School, Kalayarkovil-West, on 18.07.2023 on the ground that she is a surplus teacher. At the end of the academic year, the headmaster of the said Panchayat School had relieved her on the ground that the deployment order has got culminated.

3.On 11.10.2024, the petitioner Management has promoted Mrs.P.Julie, Secondary Grade Teacher, as headmistress and posted her to the seventh respondent school. However, the relieving order of the petitioner from the sixth respondent school has not yet been approved by the



W.P(MD).No.23100 of 2024

WEB COPY

Educational Authorities. Instead the order impugned in the writ petition has been passed on 26.06.2024 wherein the petitioner has been deployed from the sixth respondent School, Chinna Mannar Middle School, Sengulipatti. This order is under challenged in the present writ petition.

4.According to the learned counsel for the petitioner, once the proposal submitted by the Management for promoting the writ petitioner from Secondary Grade Teacher to the post of Headmistress is approved by the authorities, the petitioner could not be surplus teacher in the sixth respondent School and the consequential impugned order of deployment cannot be also take effect.

5.However, it is the contention of the learned Additional Government Pleader appearing for the respondents. Unless she gets redeployed in the new school as per the order, the question of considering the proposal submitted by the Management for the promotion of the writ petitioner would not arise.



W.P(MD).No.23100 of 2024

WEB COPY

6.I have carefully considered the submissions made on either side and perused the materials available on record.

7.The petitioner Management has submitted a proposal to the third respondent herein for approving the promotion from Secondary Grade Teacher working the sixth respondent school as Headmistress of the seventh respondent School. Admittedly, the said proposal is pending before the third respondent. In case, the third respondent passes an order approving the promotion of the writ petitioner, the impugned order of deployment would not be unenforceable.

8.In such circumstances, the third respondent is directed to consider the proposal submitted by the petitioner Management wherein Mrs.P.Julie has been promoted as a Headmistress of the seventh respondent school, without insisting any counter signature of the reliving order of the fourth respondent. Till the decision is made by the third respondent, the order impugned in the writ petition viz., the deployment order shall be kept in abeyance. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



W.P(MD).No.23100 of 2024

WEB COPY

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 3.The District Educational Officer,
(Elementary Education)
Sivagangai,
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W.P(MD).No.23100 of 2024

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W.P.(MD)No.23100 of 2024
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