



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27973 of 2023

and

W.M.P(MD)Nos.24081 & 24082 of 2023

S.Murugalakshmi

... Petitioner

Vs.

1.The Director of School Education,
O/o.Director of School Education,
DPI Campus,
Nungambakkam, Chennai.

2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

3.The Headmaster,
Government Higher Secondary School,
Pandalgudi,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, call for the records relating to the impugned order passed by the 2nd respondent vide his/her proceedings in Nil dated Nil (Published through official website on 22.11.2023) and quash the same as illegal in so far as placing the petitioner in the list of Surplus is concerned.



For Petitioner

: Mr.H.Mohammed Imran
M/s.Ajmal Associates

For Respondents

: Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a B.T.Assistant(Social Science), challenging surplus list published by the department and to permit her to continue in the parent institution on the ground that the other juniors are available in the said institution.

2.According to the learned Counsel appearing for the writ petitioner, one P.Soundarapandi, who is junior to her has not been included in the surplus list and the petitioner has been targeted who is senior to the said P.Soundarapandi.

3.According to the learned Counsel appearing for the writ petitioner, in view of increase in strength, in the parent institution, she is continuing in the parent institution. In case, if the petitioner gives a representation for the retention in the present school based upon the increase in the school strength, the same shall be considered in accordance with G.O(Ms)No.176, School Education Department dated 17.12.2021.



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4.The State has filed Counter, the relevant portions in paragraph No.6 are extracted as follows:-

“Once by seeing the surplus list, one Soundarapandi who is working in the petitioner school as Social Science Teacher gave his grievance to the 2nd respondent office by stating that last year only he was deployed to the pti school by way of surplus, so based on G.O.(MS)No.176, School Education Department date 17.12.2021 he should not be once again deployed in the 2023-2024 academic year and also asked the 2nd respondent to exclude his name in the surplus list. Based on P.Soundarapandi(Social Teacher) Teacher request and also based on G.O(Ms)No.176, School Education Department dated 17.12.2021 his name was removed from the surplus list and the next junior most teacher of the petitioner name was included in the surplus list.”

5.In view of the fact that, P.Soundarapandi, has been redeployed to the said school only last year, the question of again redeploying him within a period of three years would not arise as per G.O(Ms)No.176, School Education Department dated 17.12.2021. Hence his name has been deleted from the surplus list and the petitioner, who is the next junior has been included in the surplus list.



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6.The petitioner is continuing in the parent school and the redeployment order has not been given effect to. Therefore, no further orders are called for in the present writ petition.

7.With the above said observations, this writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petitions are also closed.

06.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR

To

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R.VIJAYAKUMAR, J.

RJR

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