



W.P.(MD).No.29646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.29646 of 2023

S.Adalin Regina Bai

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai-600 009.

2.The Director of Elementary Education,
College Road,
DPI Campus, Chennai-600 006.

3.The District Educational Officer,
Valliyoor, Tirunelveli District.

4.The Block Educational Officer,
Valliyoor Elementary Union,
Tirunelveli District.

5.The Headmaster,
Panchayat Union Middle School,
Soundaralingapuram,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents to



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pass an order absorbing the petitioner's post of Secondary Grade Teacher and grant the petitioner permanent status in the 5th respondent school.

For Petitioner : Mr.B.Vinoth Kumar

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to pass an order absorbing the petitioner's post of Secondary Grade Teacher and grant the petitioner permanent status in the 5th respondent school.

2. The petitioner completed her probation as Secondary Grade Teacher on 16.07.2011, following which her service as Secondary Grade Teacher was regularized with effect from 15.07.2009 i.e., her date of initial appointment. Subsequently, she was transferred from Karur District to Pudukkottai District on 01.06.2017. In the meanwhile, her husband namely C.Nelson was affected with various diseases and he incurred 80% of disability as certified by the Medical Board. Since her husband could not survive without her assistance, she sought for transferring her from Pudukkottai to Tirunelveli so as to enable her to take care of her husband. Since her representation in this regard was not



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considered, she filed W.P(MD)No.10859 of 2016 before this Court and this Court was pleased to dispose of the writ petition vide order, dated 05.08.2016 directing to consider the representation, dated 19.07.2014. Instead of transferring the petitioner from Pudukkottai to Tirunelveli District, the 3rd respondent through an order of deputation, dated 27.02.2019 accommodated her in the 5th respondent school. Accordingly, she joined her service as Secondary Grade Teacher in the 5th respondent school on 27.02.2019. She is continuing her service in the 5th respondent school under deputation and she has 2 more years of service. However, she had sent a representation on 12.07.2022 seeking to absorb the petitioner thereby, granting permanent status in the 5th respondent school. Since the same was not considered, this writ petition came to be filed.

3. The learned Additional Government Pleader appearing for the respondents has filed a counter affidavit on behalf of the 3rd respondent and categorically submitted that when the school education department has specific procedure for transferring the teachers through counselling, the department cannot overlook the same and absorb the petitioner, without the petitioner attending counselling for transfer. Hence, the request to be absorbed in the 5th



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respondent school by giving her permanent status in the said school cannot be appreciated and decided positively in her favour. If at all she is inclined to press continuously on her representation, the only way out for her is to participate in the transfer counselling in the forth coming year and seek transfer in the 5th respondent school. However, the chances of being transferred to the 5th respondent school is very remote and only considering her plight on humanitarian ground, she was allowed to continue from 2019 till date in the 5th respondent school on deputation. Hence, her request for absorbing in the 5th respondent school cannot be considered and pressed for dismissal of the writ petition.

4. Considering the peculiar nature of the case and the miserable health condition of the petitioner's husband, this Court hereby direct the respondents 2 and 3 to permit the petitioner to continue in the 5th respondent school till her retirement on deputation.

5. With the above said observations, this Writ Petition stands disposed of. No costs.

06.02.2024

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

- 1.The Director of School Education,
O/o the Director of School Education,
College Road, Chennai-6.
- 2.The Joint Director of School Educational
(Higher Secondary),
O/o the Joint Director of School Education,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
O/o the Chief Educational Officer,
Palani Road, Dindigul,
Dindigul District.



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L.VICTORIA GOWRI, J.

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