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W.P No. 12708 of 2012
IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.12.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 12708 of 2012

A. Raghina Bibi

..Petitioner

Vs

1.The Government of Tamil Nadu
rep by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600009.

2.The Director of Elementary Education,
College Road, Chennai-600006.

3.The District Elementary Educational Officer,
Trichy District, Trichy.

4.The Assistant Elementary Educational Officer,
Uppiliapuram Panchayat Union,
Trichirappalli District

5.K. Nagarasu

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, Calling for the records of the 1st and 3rd Respondents in relation to para 10 of order passed in G.O.(1D) No.259 School Education (E1) Dept. dt. 09.09.2011 and consequential order passed in Na.Ka.No.2540/A4/2011 dt. 12.11.2011 and quash the same in so far as the Petitioner is concerned and issue a consequential direction to the



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Respondents 1 to 4 to promote the Petitioner as B.T. Assistant (Maths) in Uppiliapuram Panchayat Union as per the panel prepared as on 01.01.2011 with consequential service and monetary benefits.

For Petitioner : Mr. R.Saseetharan

For Respondents : Mrs. P.Rajarajeeswari, G A – R1 to R4
Mr. J. Jayamalan - R5

ORDER

The petitioner challenges the order dated 09.09.2011 issued by the first respondent bearing G.O.(I.D) No.259, School Education (EI) Department. By the said order, guidelines were issued for the general transfer of teachers working in Panchayat Union/Municipal/Corporation Primary and Middle Schools and Government/Municipal Corporation High and Higher Secondary Schools. Insofar as transfers relating to elementary education are concerned, the claim for transfer is to be considered first within the Union/Municipality/Corporation and, within the district, from one Union to another or to other units.

2. The petitioner also challenges the order dated 12.11.2011, whereby the fifth respondent, while working as a B.T. Assistant (Mathematics) in Panchayat Union Middle School, Alampatti, Marungapuri Panchayat Union, Tiruchirappalli District, was transferred to Panchayat Union Middle School, Kamatchipuram, Uppiliapuram



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Panchayat Union, Tiruchirappalli District. The grievance of the petitioner is that while she was working as a Primary School Headmistress, she was empanelled for promotion to the post of B.T. Assistant (Mathematics) for the year 2011; however, her prospects of promotion were denied on account of the transfer of the fifth respondent. Hence, the present writ petition.

3. Heard the learned counsel appearing for the parties concerned and perused the materials placed on record.

4. The Government Order in G.O.(I.D) No.259 dated 09.09.2011 relates to the guidelines for transfer of teachers in elementary education. As per the said guidelines, the general transfer shall be considered on the basis of unit, which reads thus:

1. In so far as Elementary Education is concerned:-

i. The claim for transfer shall be considered first within Union/Municipality/Corporation.

ii. Within the District, one union to another or to other Units.

Invoking the said Government Order, the fifth respondent, who was working as a B.T. Assistant (Mathematics) in Panchayat Union Middle School, Alampatti, Marungapuri Panchayat Union, Tiruchirappalli District, was



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transferred to Panchayat Union Middle School, Kamatchipuram,

Uppiliyapuram Panchayat Union, Tiruchirappalli District, where the petitioner was working as a Primary School Headmistress. In light of the said transfer, the petitioner, whose name was included in the panel for the year 2011 for promotion to the post of B.T. Assistant (Mathematics), was denied promotion on the ground that there were no other vacancies in the said post.

5. The said Government Order dated 09.09.2011 came up for consideration before this Court in W.P.No.17040 of 2014. This Court, by order dated 04.06.2018, held that when counselling is conducted to fill up posts in a particular Union, the post of B.T. Assistant shall first be filled up by promotion and only thereafter the remaining vacancies shall be filled up by way of transfer. The said principle was laid down to ensure that the claims of Secondary Grade Teachers eligible for promotion on the crucial date in a particular Union are not frustrated by transfers from other Unions. Therefore, the petitioners therein were held to have a case in their favour and were entitled to the relief sought for.

6. However, simultaneously, this Court observed that the private respondents therein were occupying the posts on transfer on administrative grounds, which ought to have been reflected during the counselling for



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promotion of the petitioners. Accordingly, the Government was directed to create two supernumerary posts of B.T. Assistant (English) in the fourth respondent therein and to accord promotion to the petitioners.

7. The said order was challenged before the Division Bench of this Court in W.A.Nos.1164 and 1205 of 2019. By order dated 26.04.2019, the Division Bench set aside the direction issued by the learned Single Judge to create supernumerary posts. However, the second respondent therein was directed to re-transfer the concerned teachers to their respective Unions from which they had been transferred or to other Unions. It was further held that it was incumbent upon the State to carry out the aforesaid exercise without any delay.

8. The learned Single Judge in W.P.Nos.17040 and 17041 of 2014 categorically held that while filling up the post of B.T. Assistant, the first option is to fill up the post by promotion and thereafter, if eligible persons are available, the remaining vacancies may be filled up by way of transfer.

9. In the present case, the fifth respondent was transferred from Panchayat Union Middle School, Alampatti, Marungapuri Panchayat Union, Tiruchirappalli District, to Panchayat Union Middle School, Kamatchipuram, Uppiliyapuram Panchayat Union, Tiruchirappalli District, and has been working



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there for more than 14 years as on date. Therefore, at this stage, his transfer cannot be interfered with. However, in order to provide an opportunity of promotion to the petitioner, it would suffice if the respondents/State consider the case of transferring the fifth respondent to some other Union during the ensuing counselling.

10. Accordingly, the writ petition is disposed of with the following directions:

- (i) The respondents/State are directed to transfer the fifth respondent, B.T. Assistant (Mathematics), to any other nearby Union during the ensuing counselling.
- (ii) The fifth respondent is at liberty to make a representation during the counselling or on the ground of administrative exigencies for the forthcoming academic year, seeking posting at a place of his preference where a vacancy is available, subject to his satisfying the required conditions stipulated for the same.
- (iii) In the event of the fifth respondent being transferred to any other Panchayat Union, the respondents 1 to 4 are directed to consider the case of the petitioner for promotion to the post of B.T. Assistant (Mathematics) on its own merits and in accordance with law, as per the panel drawn for the year 2011, and to grant notional promotion to the petitioner from the said date with all



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attendant benefits, but without any monetary benefits.

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(iv) There shall be no order as to costs.

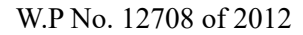
18.12.2025

Index : Yes

Internet : Yes

Neutral Citation : Yes/No

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