



W.P(MD).No.30814 of 2024

WEB COPY

DATED : 30.01.2025

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.30814 of 2024
and WMP(MD).No.25895 of 2024**

M.Sathishkumar
Physical Education Teacher
Koodakovil Nadar Higher Secondary School
Koodakovil
Madurai District

.... Petitioner

Vs.

1.The State of Tamilnadu
Represented by its Secretary to Government
School Education Department
Secretariat
St.George Fort
Chennai

2.The Director of School Education
College Road
Chennai

3.The Joint Director of School Education(Personnel)
Office of the Joint Director of School Education
DPI Campus
Nungambakkam
Chennai

4.The Chief Educational Officer
Madurai, Madurai District



W.P(MD).No.30814 of 2024

5.The Secretary,
Koodakovil Nadar Higher Secondary School,
Koodakovil, Madurai -22

.....Respondents

(R5 is suo moto impleaded by this Court
vide order dated 30.01.2025)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the fourth respondent dated 28.10.2024 in Na.Ka.No.5078/A5/2024 and quash the same and consequently direct the respondents to deploy the petitioner as Physical Education Teacher either to A/m.Meenakshi Sundareswarar Higher School, Theppakulam or to M.A.V.M.M.Higher Secondary School, Yanakkal or to Vishalakshi Mills High School, Paravai.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Physical Education Teacher working in Koodakovil Nadar Higher Secondary School, Madurai District seeking to quash the order of the fourth respondent dated 28.10.2024 wherein his request for deployment to any other place has been rejected.



W.P(MD).No.30814 of 2024

WEB COPY

2.A perusal of the records reveal that the petitioner was initially working in Savitha Bhai (Kovai) Higher Secondary School, Thiruparankundram from 01.06.2006 onwards. His post was declared as surplus and he was deployed to Koodakovil Nadar Higher Secondary School along with his post by way of proceedings dated 11.04.2022. The petitioner has accepted the order and joined the said School.

3.The petitioner had given a representation on 03.06.2024 to the fourth respondent herein seeking deployment to some other School. Since the said request was not considered, the petitioner has filed WP(MD).No. 13437 of 2024. This Court by an order dated 24.06.2024 had directed the fourth respondent herein to consider his representation and pass orders.

4.Pursuant to the order of this Court, the present impugned order has been passed by the fourth respondent herein to the effect that the petitioner's request for deploying him back to Savitha Bhai (Kovai) Higher Secondary School is not possible in view of the fact that the School is not eligible to have a Physical Education Teacher. This order is put to challenge in the present writ petition.

5.According to the learned counsel for the writ petitioner, the petitioner's representation dated 03.06.2024 enumerates six Schools apart



W.P(MD).No.30814 of 2024

from Savitha Bhai (Kovai) Higher Secondary School. However, the authorities have only taken into consideration Savitha Bhai (Kovai) Higher Secondary School and thereby arrived at a finding that there was no vacancy in the said School. The petitioner has also brought to the notice of the Court that he has given a representation to the Koodakovil Nadar Higher Secondary School Management on 27.06.2024 seeking his deployment to a different School which is said to have been recommended by the Secretary of the said School.

6.On instructions, the learned counsel for the petitioner further submits that the petitioner would be satisfied, if he is transferred to any School other than Savitha Bhai (Kovai) Higher Secondary School within the Madurai Division.

7.Per contra, the Additional Government Pleader appearing for the respondents, on instructions, submits that though the petitioner has prayed for accommodation in any one of the School in his representation dated 03.06.2024, the order of this Court in WP(MD).No.13437 of 2024 directed the authorities to consider his request for re-transfer to Savitha Bhai (Kovai) Higher Secondary School. Only because of the order of this Court, the fourth respondent was constrained to pass orders rejecting the



W.P(MD).No.30814 of 2024

request of the writ petitioner.

WEB COPY

8.The learned Additional Government Pleader had further contended that the petitioner has been deployed from Savitha Bhai (Kovai) Higher Secondary School to Koodakovil Nadar Higher Secondary School along with the post. He further submits that the petitioner was initially appointed in a non-minority institution and therefore, any request for his deployment to any other School would be only on the basis of mutual consent. In such circumstances, it is very difficult to consider the request of the writ petitioner.

9.The Secretary, Koodakovil Nadar Higher Secondary School, Koodakovil, Madurai -22 is suo moto impleaded as fifth respondent in this writ petition.

10.The facts captured above will clearly indicate that the petitioner who was initially working in Savitha Bhai (Kovai) Higher Secondary School was deployed to the fifth respondent School only due to the fact that he has been declared as surplus teacher. The petitioner has joined the fifth respondent School due to the deployment order passed by



W.P(MD).No.30814 of 2024

the authorities. The petitioner has expressed some personal reasons for seeking deployment to a different School in his representation dated 03.06.2024 to the authority and in his representation dated 27.06.2024 to the fifth respondent which is said to have been accepted by them. Therefore, it is clear that the petitioner is finding some difficulties in getting himself accommodated in the present School.

11.In view of the above said deliberations, this Court passes the following orders:

a)The fifth respondent is directed to forward the representation of the petitioner dated 27.06.2024 along with a resolution of the School Committee to the fourth respondent.

b)On receipt of the recommendation of school committee of the fifth respondent, the fourth respondent is directed to consider the said proposal and pass orders accommodating the writ petitioner in any one of the Schools as mentioned by the writ petitioner in his request dated 27.06.2024 given to the fifth respondent, within a period of 12 weeks from the date of receipt of proposal from the School.



W.P(MD).No.30814 of 2024

12.With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2025

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
msa

To

1.The Secretary to Government
State of Tamilnadu
School Education Department
Secretariat, St.George Fort
Chennai

2.The Director of School Education
College Road, Chennai

3.The Joint Director of School Education(Personnel)
Office of the Joint Director of School Education
DPI Campus, Nungambakkam
Chennai

4.The Chief Educational Officer
Madurai, Madurai District

5.The Secretary,
Koodakovil Nadar Higher Secondary School,
Koodakovil, Madurai -22



WEB COPY



W.P(MD).No.30814 of 2024

R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.30814 of 2024
and WMP(MD).No.25895 of 2024



WEB COPY



W.P(MD).No.30814 of 2024

30.01.2025