



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 31.10.2019  
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.901 of 2019

and

W.P. (MD) No.18647 of 2019

and

W.M.P. (MD) Nos.15011 & 15014 of 2019

C.Sumathi ... Appellant in W.A.(MD) No.901 of 2019 &  
Petitioner in W.P.(MD) No.18647 of 2019

-vs-

1. The Director  
Most Backward and Denotified  
Communities Welfare Department  
Ezhilagam, Chennai-600 005

2. The Joint Director  
Kallar Reclamation  
Madurai  
Madurai District-625 020

... Respondents in W.A.(MD) No.901 of 2019 &  
Respondents in W.P.(MD) No.18647 of 2019

**PRAYER (in W.A. (MD) No.901 of 2019) :** Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 28.08.2019, passed in W.M.P.(MD) No.15014 of 2019 in W.P.(MD) No.18647 of 2019, on the file of this Court.

**PRAYER (in W.P. (MD) No.18647 of 2019) :** Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the first respondent herein in his proceedings in Se.Mu.No.B1/4313/2018 dated 01.08.2019 and consequent proceedings of the second respondent in Na.Ka.No.H1/10725/2018 dated 14.08.2019 and to quash the same.

For Appellant : Mr.G.Chandrasekar  
(in W.A.(MD) No.901 of 2019)

&

For Petitioner  
(in W.P.(MD) No.18647 of 2019)



For Respondents : Mrs.S.Srimathy  
(in both W.A. & W.P) Special Government Pleader

**J U D G M E N T**

**[Judgment of the Court was made by T.S.SIVAGNANAM, J.]**

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The appellant and the writ petitioner are one and the same person.

2. The writ appeal has been filed against the order, dated 28.08.2019, passed in W.M.P.(MD) No.15014 of 2019 in W.P.(MD) No.18647 of 2019, whereby the interim relief sought for by the appellant was not granted. However, taking note of the fact that the writ petition is also pending before the learned Single Bench, by order dated 04.09.2019, we directed the writ petition to be tagged with the writ appeal.

3. On 04.09.2019, while entertaining the writ appeal, we have granted an order of interim stay and at this juncture, it may be relevant to note as to why the Court was *prima facie* convinced that there could be an order of interim stay. The same is quoted hereunder:

*"The petitioner being aggrieved by the order of the learned Single Judge in not granting interim stay of the order passed by the first respondent dated 01.08.2019 and the consequential order of the second respondent dated 14.08.2019 is before us by way of the Writ Appeal and the petition for interim stay.*

*2.Heard Mr.G.Chandrasekar, learned counsel appearing for the petitioner and Mrs.S.Srimathi, learned Special Government Pleader, who accepts notice on behalf of the respondents and she has been instructed by the Personal Assistant to the Joint Director, Kallar Reclamation, Madurai.*

*3.The issue, which has been raised in the Writ Appeal, pertains to whether the School in which the petitioner is working viz., Government Kallar Girls Higher Secondary School, Mela Urappanoor, Madurai District, requires conversion of the post of Post Graduate Assistant in History to that of Geography.*

*4.It is the submission of the learned counsel for the petitioner that there are 80 students studying history subject and 40*



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students studying in the Geography subject and the petitioner is handling both the subjects history and geography and has produced consistent centum results not only in history but also in geography and the reason for the said conversion is with ulterior motive to benefit a particular individual.

5.We find from the impugned order in the writ petition that no proposal has been emanated from the institution or its headmaster or from the teachers or parent teacher association or students. Further, it is not the case of the respondents that there are insufficient students strength in the subject of history as the petitioner would state that there are 80 students, who are studying the subject history. We are informed that the administration of the institution is under the control of the Director, Most Backward and Denotified Communities Welfare Department and there are 13 such schools which are under the control of the Joint Director, Kallar Reclamation, Madurai, the second respondent.

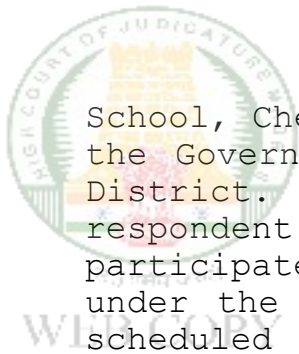
6.In our considered view, if according to the respondent there is a need for a Post Graduate Assistant in Geography, they should have sanctioned such a post and resorting to transfer the history teacher, who was handling history and geography subjects is not appreciated and more particularly when the academic year is in session.

7.For the reasons stated above, there will be an order of interim stay of the proceedings of the first respondent dated 01.08.2019 and the consequential proceedings of the second respondent dated 14.08.2019 until further orders.

8.The C.M.P. (MD) No.8084 of 2019 is disposed of accordingly."

4. Since the writ petition was also tagged with the writ appeal, we take up the writ petition for consideration.

5. The writ petitioner is working as Post Graduate Assistant (History) in the Government Kallar Girls Higher Secondary  
<https://hcservices.ecourts.gov.in/hcservices/>



School, Checkanurani, Madurai District. Earlier, she was working in the Government Kallar Reclamation School, Mela Urappanoor, Madurai District. A Circular, dated 29.06.2018, was issued by the first respondent calling upon willingness from the candidates to participate in the General Counseling for transfer among the schools under the control of the second respondent and the counseling was scheduled on 24.07.2018. The writ petitioner participated in the counseling and submitted her willingness to be accommodated in the vacant post of PG Assistant (History) in the Government Kallar Girls Higher Secondary School, Checkanurani, Madurai District.

6. At that juncture, the writ petitioner is said to have orally informed that there is no vacancy in the post of PG Assistant (History) in the said School. The writ petitioner would state that on enquiry, she came to know that there is sufficient students strength in the said School as there are 80 students in the subject History and 40 students in the subject Geography. The writ petitioner has been working as PG Assistant (History) in the said School. The writ petitioner has listed out her credentials and as to how her students achieved distinction and cash prize etc., on several occasions. She has also handled Geography classes. The impugned order, dated 01.08.2019, has been passed by the first respondent based upon a proposal sent by the second respondent. Though the second respondent is the administrative head for the Kallar Reclamation Schools in Madurai Region, yet he is not an academicians to consider as to what would be the best to the students. At any event, it is the Director, who has to take final decision in the matter. What is disturbing is that there is no occasion for the first respondent to pass the impugned order, that too in the middle of the academic year. We do not know as to why there is such urgency, since the results of the students studying in the said School appears to be good and there is no adverse comment about the performance of the students or that of the teachers, including the writ petitioner. If, according to the second respondent, it is necessary that a separate Teacher is required to teach the subject Geography, he should recommend for creation of one more post or to send a Teacher, who is rendered surplus in any other Kallar Reclamation School on deputation to the Government Kallar Girls Higher Secondary School, Checkanurani, so that the students, who studied the subject Geography, will also be benefited. On the contrary, the recommendation given by the second respondent appears to be wholly inappropriate by converting the post of PG Assistant (History) to that of PG Assistant (Geography), when admittedly there are more number of students in the subject History. In any event, all these arrangements should have been made much prior to the counseling and not midway of the academic year. If, according to the second respondent, some other Geographic Teacher is required to be accommodated, there will be definitely a needy School, in which they can be accommodated. That apart, in the next counseling session, which we are informed that it will be conducted in the next year, it is well open to the respondents to sanction one more



post for the subject Geography and invite applications from the willing candidates.

7. Thus, for all the above reasons, we find that the impugned orders passed by the respondents are not sustainable, apart from not being conducive, for the welfare of the students studying in the Government Kallar Girls Higher Secondary School, Checkanurani, and therefore, the same are required to be set aside.

8. Accordingly, the writ petition is allowed and the impugned orders, dated 01.08.2019 and 14.08.2019, passed by the respondent 1 and 2 respectively, are set aside.

9. In the light of the above order allowing the writ petition, no separate order is required in the writ appeal and the same is therefore closed.

10. As pointed out in the preceding paragraphs, we direct the respondents to consider as to whether one more of PG Assistant in the subject Geography is required to be sanctioned for the said School or in the alternative, send a Teacher, who is rendered surplus along with the post to the said School or in the alternative, depute a Teacher, who is rendered surplus until the post is sanctioned in the said School for the subject Geography. The writ petitioner shall participate in the next counseling to be held after a period of three years and by then, the respondents should take a firm decision as to the number of Teachers required to be sanctioned for the said School. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar (CS )

To

1.The Director,  
Most Backward and Denotified  
Communities Welfare Department,  
Ezhilagam,  
Chennai-600 005.

2.The Joint Director,  
Kallar Reclamation,  
Madurai,  
Madurai District-625 020.

<https://hcservices.ecourts.gov.in/hcservices/>



W.A.(MD) No.901 of 2019

+1 CC to SPL GP ( SR-95437[F] dated 01/11/2019 )  
+1 CC to Mr.G.CHANDRASEKAR, Advocate ( SR-95560[F] dated  
01/11/2019 )

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