

(2013) 09 MAD CK 0344

In the Madras High Court

Case No : Writ Petition No. 6801 of 2009

S. Ezhilarasi

APPELLANT

Vs

Director of Elementary Education, District Elementary
Education Officer and Assistant Elementary Education Officer,
Assistant Elementary Education Office

RESPONDENT

Date of Decision : 16-09-2013

Acts Referred:

Citation : (2013) 09 MAD CK 0344

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : R. Gururaj, for the Appellant; K.V. Dhanapalan, A.G.P., for the Respondent

Final Decision : Dismissed

Judgement

D. Hariparanthaman, J.—The petitioner joined service as Assistant Teacher at Perambalur Panchayat Union Elementary School at K. Eraiyur on 30.7.1997. Her service was regularised from the date of her appointment. On her request, she was transferred and posted in the Panchayat Union Elementary School, Pallavarayantham in Anna Gramam Panchayat Union limits in Cuddalore District by an order dated 30.6.2001. According to the petitioner, her seniority was fixed in Anna Gramam Panchayat Union based on her joining duty in Anna Gramam Panchayat Union in 2001. Her service from 1997 to 2001 was not taken note of, for fixing seniority.

2. Hence, she has filed this Writ Petition seeking to quash the seniority list as on 1.1.2009 maintained in respect of Panchayat Union Elementary School Teachers of Anna Gramam Panchayat Union and for a consequential direction to maintain a seniority list of Panchayat Union Elementary School Teachers State wise as per G.O.Ms. No. 1877, Education Department dated 2.9.1979.

3. A counter affidavit is filed by the respondents refuting the allegations. It is

stated in the counter affidavit that the petitioner was transferred to Anna Gramam Panchayat Union in Cuddalore District from 13.7.2001 on her request. As she had been transferred from one Union to another Union, i.e. From Perambalur Panchayat Union to Anna Gramam Panchayat Union, by foregoing seniority, she cannot ask for seniority by counting her service rendered in the earlier Panchayat Union.

4. It is also averred in the counter statement that as per Rule 10 of the Special Rules for the Tamil Nadu Elementary Educational Subordinate Service Rules, each Panchayat Union shall be a unit for the purpose of appointment as full members, reappointment or discharge in different categories. Therefore, the petitioner cannot seek to count the service in the different Panchayat Unions for the purpose of seniority and also maintain a seniority list in the Panchayat Union Elementary School Teachers State wise.

5. I have considered the submissions made by the learned counsel on either side.

6. The petitioner joined service in Perambalur Panchayat Union Elementary School on 30.7.1997. Thereafter, on her request, she got transferred to Anna Gramam Panchayat Union in Cuddalore District and joined duty on 13.7.2001. Therefore she was placed as a junior most person in her category as on 13.7.2001 in Anna Gramam Block in the impugned seniority list dated 1.1.2009. According to the petitioner, she could have been placed at an appropriate place in the seniority list by counting her service from 1997 onwards.

7. In my view, since the petitioner came on her own request from Perambalur Panchayat Union to Anna Gramam Panchayat Union, she cannot seek to count the service that was rendered by her in the different Panchayat Union. As rightly contended by the learned counsel for the respondents, Rule 10 of the Special Rules for the Tamil Nadu Elementary Educational Subordinate Service Rules makes it clear that each Panchayat Union shall be a unit for the purpose of appointment and reappointment. Hence, the petitioner cannot seek for counting the service from 1997 onwards rendered in different Panchayat Union. Furthermore, reliance placed by the petitioner in G.O.Ms. No. 1877 Education department dated 2.9.1979 has no basis, as the said GO., which is enclosed in the typed set of papers, is relating to Teachers of Government Higher Secondary Schools. Therefore, that is not relevant to the case of the petitioner. Hence, there is no merit in the Writ Petition and the Writ Petition fails and accordingly is dismissed. No costs.