



## **ABSTRACT**

School Education - Secondary Grade Teachers - Transfer from one District to another District as per the orders of Hon'ble Supreme Court of India - Orders Issued.

### **School Education (EE3(2)Department**

**G.O.(Ms)No. 243**

**Date.30.11. 2013.**

திருவள்ளூர் ஆண்டு 2044  
விஜயவருடம், கார்த்திகை 14.  
Read.

1. G.O(Ms)No.447, Education, Science and Technology Department dated 16.7.1996.
2. Orders of Hon'ble Madurai Bench of Madras High Court in W.P.No.6373, 8474 and 10583/2007 dated 4.2.2008.
3. Orders of Hon'ble Madurai Bench of Madras High Court in WA.No.119/2008 and 122/2008 dated 14.5.2008.
4. Interim orders of Hon'ble Supreme Court of India in SLP.Nos.18227 and 18228 / 2008 dated 20.10.2008.
5. G.O.Ms.No.220, School Education, dated 10.11.2008.
6. From the National Council for Teachers Education, New Delhi, Letter No, 76-4/2010/NTE/Acad, Dated 11.02.2011.
7. G.O.Ms.No.181,School Education, dated 15.11.2011.
- 8 G.O.Ms.No.90,School Education, dated 28.03.2012.
9. G.O.Ms.No.222, School Education, dated 24.8.2012.
10. G.O.Ms.No.252, School Education, dated 5.10.2012.
11. Orders of Hon'ble Supreme Court of India in civil appeal Nos. 6184-6185/2008, 6186-6187/2008, and 6188-6189/2008 dated 5.9.2013.
12. From the Director of Elementary Education Letter R.C.No. 24909/D1/2012, dated 23.09.2013.

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### **ORDER:-**

In the G.O. fifth read above, orders have been issued as directed by Hon'ble Supreme Court of India on 20.8.2008 in SLP No.18227-18228/2008 that the State Government should followed the Statewide seniority in employment registration while appointing Secondary Grade Teachers by calling for the list of eligible persons from all the District Employment Exchanges and by newspaper Public Advertisements throughout the State. Further, it was also ordered to mention in the notification, that any person selected and appointed in a particular school within a district cannot aspire for transfer to another school outside the District. The Supreme Court has

further directed that the aforesaid arrangement will apply for any recruitment be made pending disposal of these appeals.

2. In the G.Os 7<sup>th</sup>, 8<sup>th</sup> and 10 read above, Government direct that the appointment to the post of Secondary Grade Teachers, the existing procedures (i.e.) selection through Employment Exchange in Statewide seniority may be continued till the disposal of the SLP. Nos.18227 and 18828 of 2008 filed in the Supreme Court of India.

3. The State Government filed an I.A. in the Supreme Court of India in Civil Appeal Nos.6186 to 6187 / 2008 with the following prayer.

- Expedite the hearing in the instant Civil Appeals;
- modify the Interim Order dated 20.10.2008 passed in the Instant Civil Appeals by permitting the Appellant State to follow a procedure for appointment of Secondary Grade Teachers from those individuals who have passed Teacher Eligibility Test as per the National Council for Teacher Education guide lines. Thereafter, the Teacher Eligibility Test qualified candidates have to appear the written Competitive Examination which is to be conducted by the Teachers Recruitment Board, Chennai-6 and appointments will be made as per rule of reservation; and
- pass such further or other orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case. ”

4. In the reference 11<sup>th</sup> read above, the Hon'ble Supreme of India disposed the Civil Appeals as follows:-

**CIVIL APPEAL Nos.6186 – 6187 of 2008**

**XXXX**

**XXXX**

**XXXXX**

‘That the teachers who were appointed prior to the G.O. dated 15.11.2011 will remain protected and as far as the transfers sought by the teachers outside their Districts are concerned, it is for them to apply to the authority concerned and the authority concerned will consider their applications in accordance with their rules.

In view of the above, the Civil Appeal Nos.6186 – 6187/2008 stand disposed of.

**CIVIL APPEAL Nos.6184-6185/2008 & C.A.Nos.6188-6189-2008**

**XXXXX**

**XXXX**

**XXXXX**

Civil Appeal Nos.6184-6185/2008 & 6188-6189/2008 stand disposed of as having become infructuous.

5. In view of the orders of the Hon'ble Supreme Court of India that Civil Appeal Nos.6184-6185 and 6188-6189/2008 stand disposed off as having become infructuous, the Director of Elementary Education in his letter 12<sup>th</sup> read above has submitted the proposals to the Government seeking clarification for giving transfer to the teachers those who were appointed as per the interim direction of the Hon'ble Supreme Court from one district to another district through counselling methods and administrative grounds.

6. The Government have examined the proposal of the Director of Elementary Education in lines with the orders of Hon'ble Supreme Court of India in Civil Appeal Nos. 6184-6185/2008, 6186-6187/2008, and 6188-6189/2008 dated 5.9.2013 in para 4 above and direct that the Secondary Grade Teachers appointed as per the Interim order of the Hon'ble Supreme Court be considered for giving transfer from one district to another based on the rules if and when applications are made for transfer.

(By Order of the Governor)

D.SABITHA  
Principal Secretary to Government

**To**

The Chairman, Teachers Recruitment Board, Chennai-6  
The State Project Director, SSA, Chennai-6.  
The Director of Elementary Education, Chennai-6.  
The Director of School Education, Chennai-6  
The Commissioners of all Corporations,  
The Principal Secretary/Commissioner of  
Backward, Most Backward and Minorities Welfare Department, Chennai-5  
The Director of Adi-drava and Tribal Welfare Dept., Chennai-5  
The Director of Social Welfare and Nutritious-Meal Programme, Chennai-5.  
The Commissioner of Municipal Admin, Chennai-5  
The Accountant General, Chennai-18/35  
All Treasury Officers.

**Copy to**

The Labour and Employment Department, Chennai-9.  
The Personnel and Administrative Reforms Department, Chennai-9.  
The Social Welfare and Nutritious-Meal Programme Department, Chennai-9.  
The Municipal Administration and Water Supply Department, Chennai-9  
The Backward, Most Backward and Minorities Welfare Department, Chennai-9  
The Senior P.A. to Hon'ble Minister for School Education, Chennai-9  
The Senior P.s. to Principal Secretary to Government, School Education Dept., Chennai-9.

// Forwarded by order //

Section Officer.