

15. I humbly submit that the averment in para 33 that the transfers are causing irreparable loss to hundreds of staff is wrong. Every year transfers are effected, mostly after consulting the concerned staff and considering their convenience and the administrative expediency. After the proceedings were issued by the 2nd respondent, on 28.01.09, there had been totally 15 transfers in the academic year 2009 -2010. All of them have accepted and have joined and all the transfers have been approved by the competent authorities. The petitioners are unnecessarily raising a bogey of "hundreds of staff being affected" only for the purpose of the Writ Petition, which is not true. When the transferred staff have accepted the same, the petitioner seems agitated, which is not acceptable.

16. I humbly submit that Section 26 of the Tamil Nadu Recognised Private Schools (Regulation) Act provides for retrenchment and deployment of the surplus teachers from one school to another. This is also in practice under G.O. Ms. No.525 School Education dated 29.12.1997 w.e.f. 01.06.1998. The said G.O. 525 has been upheld by the Full Bench of this Hon'ble Court by its order dated 04.11.2006 as reported in 2006 (5) CTC 385. The Department itself is directing the management to transfer or absorb the surplus teachers to other schools where there is strength as per 1:40 ratio. If the Full Bench ratio on transfer is implemented, without factual verification many teachers in individual schools will lose their jobs and service because of the impossibility of transfer, or otherwise the government will have to absorb the said teachers with all their service and monetary benefits. In this juncture, the government itself has issued two G.O.'s in G.O.Ms. No. 263 School Education (D1)