

Department dated 20.08.1999 and G.O.Ms.No. 309 School Education (D1) Department dated 03.11.1999, empowering the corporate managements like that of the petitioner, to transfer and absorb the surplus teachers from one school to another within the same Management. This is also true because of the problem of deployment, when some post becomes surplus and the said post with person has to be necessarily transferred by deployment to the needy school. Therefore a total embargo on transfer is untenable and not possible within a management with 227 schools. Unless there is a right and possibility of transferring the staff from one school to another, the management will be greatly jeopardized.

Transfer is necessitated for the purpose of selection and appointment to promotional posts, drawing from the merits available under the common pool of the management. Otherwise, it will constrict the liberty of the management to draw only from one school for the promotional posts.

17. I humbly submit that after the Full Bench order dated 30.04.1998, of this Hon'ble Court, the same question was raised in the case of *Manager, R.C.Schools, Salem Social Services Society vs. G.Vincent Paulraj* as reported in (2003) 3 MLJ 835, *Srikasi Mutt v. The Commissioner of Collegiate Education* as reported in 2002 WLR 538 and in the case of *Y.Balachandra Babu vs. District Educational Officer, Kuzhithurai Educational District*, as reported in (2007) 1 MLJ 463. In both the cases, the two Division Benches of this Hon'ble Court held that single entity, managing more schools than one, is envisaged by Rule 15(4) (ii) (c) of Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, can transfer of teachers, which does not affect the seniority and emoluments is valid.