

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24692/2015

&

MP.Nos.1&2/2015

G.Gnanajothi

...Petitioner

Versus

1. The District Elementary Educational Officer
Coimbatore District,
Coimbatore.
2. The Assistant Elementary Educational Officer
Sarkar Samakulam Panchayat Union,
Sarkar Samakulam,
Coimbatore.
3. The Secretary,
P.S.G. Primary School, Peelamedu,
Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records of the 2nd and 3rd respondents in relation to letter No.Nil dated 24.06.2015 and Letter No. Nil dated 30.06.2015 respectively and quash the same and issue a consequential direction to the respondents to employ the petitioner as a Secondary Grade Teacher in re-employment period for a period from 01.07.2015 to 31.05.2016 in 3rd respondent school with service and monetary benefits.

For Petitioner

:

Mr.R.Saseetharan

For RR 1 and 2

:

Mr.R.Vijayakumar, AGP

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner has worked as Secondary Grade Teacher in the services of the 3rd respondent/School and claims that she has rendered 35 years of hard, sincere and unblemished service and she attained the age of superannuation on 30.06.2015. It is claim of the petitioner that as per various Government Orders and more particularly, G.O.Ms.No.1643, Education Department, dated 27.10.1988, a teacher is entitled to continue in service till the end of the academic year, if he/she attains the age of superannuation in the middle of the academic year. The petitioner has also given all the necessary certificates indicating her fitness to continue in the said post till the completion of the academic year and the 3rd respondent / School Management has also made a positive recommendation, vide letter 11.06.2015. However, the 2nd respondent, vide the impugned letter dated 24.06.2015 has informed the 3rd respondent that the 3rd respondent/School Management has sought permission to continue the service of the petitioner till the completion of the academic year and since there are surplus posts available in very many aided schools, the petitioner may be accommodated in those schools. Challenging the legality of the said proceedings of the 2nd respondent, the petitioner came forward to file this writ petition.

3.Mr.R.Saseetharan, learned counsel for the petitioner has drawn the attention of this Court to G.O.Ms.No.1643, Education Department, dated 27.10.1988 and as per the said Government Order, the petitioner is entitled to continue in service till the end of the academic year and after her retirement, her post is yet to be filled up by the 3rd respondent and there cannot be any impediment on the part of the 2nd respondent to permit the petitioner to continue in service till the completion of the academic year and prays for appropriate orders.

4.This Court heard the submissions of the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

5.This Court, in the light of the above facts and circumstances and more particularly, G.O.Ms.No.1643, Education Department, dated 27.10.1988, directs the 2nd respondent to consider the proposal sent by the 3rd respondent for continuing the service of the petitioner in the said school till the completion of the academic year and pass orders as expeditiously as possible, not

later than four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Elementary Educational Officer
Coimbatore District, Coimbatore.
2. The Assistant Elementary Educational Officer
Sarkar Samakulam Panchayat Union,
Sarkar Samakulam, Coimbatore.
3. The Secretary,
P.S.G. Primary School, Peelamedu,
Coimbatore District.

1 CC to Mr.R.Saseetharan, Advocate SR.No. 41855

1 CC to the Government Pleader, SR.No. 42064

RSI (CO)

PSI (13.08.2015)

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