

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.27361 of 2016

and

W.M.P.No.23563 of 2016

S.Vimal Kumar

.. Petitioner

Vs.

1. The Chief Education Officer,
Office of the Chief Education Officer,
Tirupur.
2. The District Elementary Education Officer,
Office of the District Elementary Education Officer,
Tirupur.
3. The Assistant Elementary Education Officer,
Office of the Assistant Elementary Education Officer,
Madathukulam-642 113,
Tirupur.
4. S.Ramasamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent in Na.Ka.No.698/A3/2016, dated 31.07.2016 and quash the same and consequently direct the respondents 1 to 3 to re-employ the petitioner as Middle School Head Master at Madathukulam Panchayat Union Middle School, Tirupur District, till the end of the academic year, i.e. May 2017.

For Petitioner : Mrs.Dakshayani Reddy

For Respondents : Mr.S.N.Parthasarathi, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the third respondent in Na.Ka.No.698/A3/2016, dated 31.07.2016 and quash the same and consequently direct the respondents 1 to 3 to re-employ the petitioner as Middle School Head Master at Madathukulam Panchayat Union Middle School, Tirupur District, till the end of the academic year, i.e. May 2017.

2. It is the case of the petitioner that he was originally appointed to the post of Secondary School Teacher in the Panchayat Union Elementary School at Ravanapuram, Udumalpet Union in the year 1987. Subsequently, he was promoted to the post of B.T. Assistant with effect from the year 2003 and thereafter promoted to the post of Middle School Head Master with effect from 02.07.2007. The petitioner is at present working as Middle School Head Master, Madathukulam Panchayat Union Middle School, Madathukulam Union, Tirupur District. It is stated by the petitioner that he has put in 30 years of unblemished service. Though he attained superannuation on 31.07.2016, since it was in the middle of the academic year, he is entitled for re-employment till the end of the academic year, i.e. May 2017. Therefore, he submitted a representation, dated 26.07.2016 to the third respondent seeking re-employment, and also to the second respondent on 27.07.2016. It is further stated by the petitioner that so far as re-employment is concerned, the same is automatic in view of the Government Orders in force, inasmuch as the re-employment is granted taking into account the interest of the students and it is the students' interest which is paramount and the students should not suffer without a teacher in the middle of the academic year. Therefore, the petitioner awaited the order of extension/re-employment of service till the end of the academic year.

3. It is the grievance of the petitioner that suddenly, he was served with the impugned order passed by the third respondent, dated 31.07.2016, which was affixed on the wall of the petitioner's house on 31.07.2016. The petitioner further states that the reason stated in the impugned order is that there is a case pending against him and hence, he is not being considered for re-employment. He further states that no disciplinary proceedings had been initiated against the petitioner and after enquiry, he came to know that the impugned order was issued at the instance of the fourth respondent herein. So far as the fourth respondent is concerned, he had given a complaint against the petitioner that he had invested a sum of Rs.3.5 lakhs with one Fin India Multi-level Marketing based upon the assurance given by the petitioner. The petitioner further avers that he is no way involved in regard to the said multi-level marketing firm and it is not even the complaint of the fourth respondent and that the fourth respondent has already initiated proceedings against the said marketing firm with the Economic Offences Wing. The petitioner further states that his mother had also invested in the said marketing firm and has also given a complaint before the Economic Offences Wing. For these reasons, the petitioner has approached this Court with the prayer stated supra.

4. When the Writ Petition is taken up for consideration, learned counsel for the petitioner submitted that criminal case filed against the petitioner, which was taken on file in C.C.No.158 of 2016, on the file of the Judicial Magistrate, Palani, ended in acquittal on 15.09.2016. In view of the above said acquittal of the petitioner, learned counsel for the petitioner states that the petitioner is prepared to submit a fresh representation to the respondents and the petitioner would be satisfied if a direction is issued to the respondents to consider the said representation.

5. Heard the learned Government Advocate appearing for the respondents 1 to 3 on the above aspects.

6. In view of the above submissions, this Court is of the opinion that there is no need to quash the impugned order. However, by exercising power conferred on this Court under Article 226 of the Constitution of India, this Court directs the petitioner to submit a fresh representation stating his grievance to the respondents 1 to 3, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order, and on receipt of such representation, the respondents 1 to 3 are directed to consider the same and pass on merits and in accordance with law with regard to the re-employment of the petitioner upto May 2017, within a period of two weeks from the date of receipt of such representation.

7. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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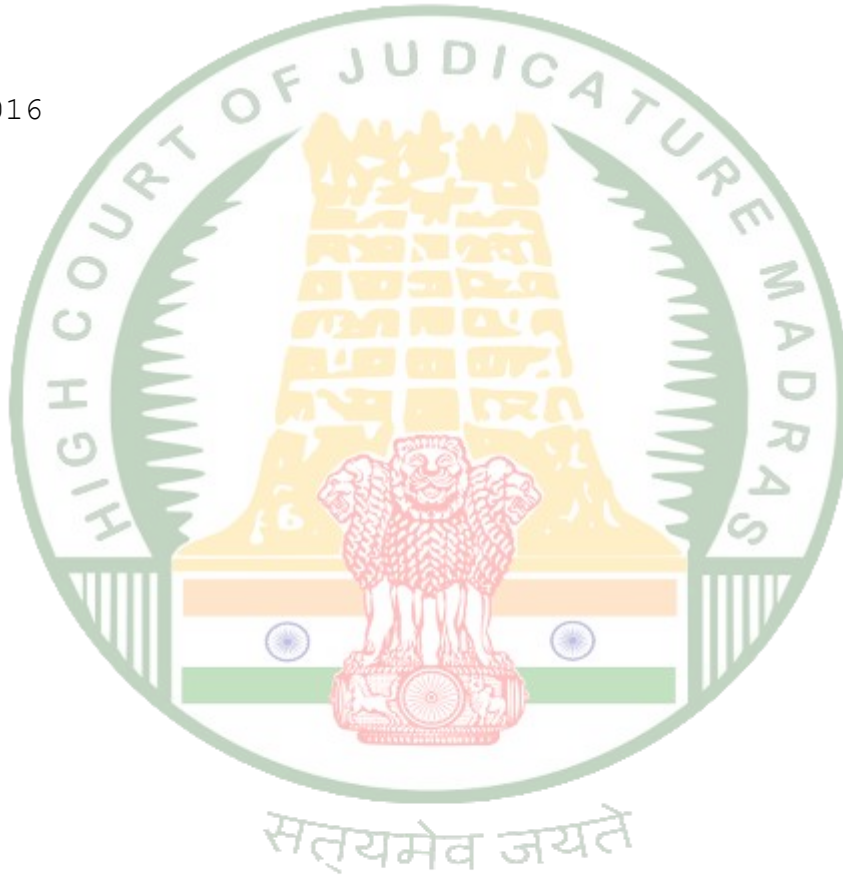
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+1 cc to Mrs.Dakshayani Reddy Advocate sr 62411
+1 cc to Government Pleader vide sr 62494

W.P.No.27361 of 2016

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