

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6555 of 2016
and
WMP.Nos.5831 and 5832 of 2016

R.Vidhya

.. Petitioner

Vs

1. Joint Director of School Education
(Secondary Education)
College Road, Chennai - 600 006
 2. Chief Educational Officer
Saidapet, Chennai - 600 015
 3. District Educational Officer
Chennai Central, Saidapet, Chennai - 600 015
 4. The Secretary,
Rajah Muthiah Higher Secondary School
Raja Annamalaipuram,
Chennai -600 028
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records pertaining to the order passed by the 2nd Respondent in his proceedings Na.Ka.No.7992/A6/2014 dated 11.06.2015 and quash the same insofar as the petitioner is concerned and direct Respondents to allow the petitioner to continue in the 4th Respondent School and pay salary from June 2015 and continue to pay and confer all the consequential benefits.

For petitioner : Mr.P.Ganesan

For respondent : Mr.A.Kumar,
Special Government Pleader

O R D E R

The writ petition is filed by R.Vidhya, challenging the order dated 11.6.2015 passed by the Chief Educational Officer, Saidapet, Chennai, and to quash the same and direct the Respondents to allow her to continue in the 4th Respondent School and pay salary from June 2015 and continue to pay and confer all the consequential benefits.

2. Heard Mr.P.Ganesan, learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who took notice on behalf of the respondents and with their consent, the writ petition is taken up for disposal at the admission stage.

3. The petitioner was appointed as B.T. Assistant on 26.3.2007 in the fourth respondent School and her appointment was also approved by the competent authority. While so, on the basis of staff fixation, the second respondent passed an order on 23.12.2014 redeploying 5 teachers including the petitioner herein, for which the petitioner made a representation dated 28.5.2015. However, without considering the same, the second respondent passed a relieving order dated 11.6.2015. Aggrieved by the said order, the petitioner has filed an appeal before the first respondent on 12.8.2015. Since no order was passed on the said appeal, the petitioner has come to this court.

4. According to the petitioner, there are no surplus teachers in the fourth respondent school at all. As per the policy decision of the Government, standards 6 to 8 are to be handled by B.T. qualified persons only, but in the fourth respondent school, standards 6 to 10 are handled by B.T. Assistant and Secondary Grade Teachers. As per the order issued by the Government, the required strength of the teacher would be about 19, however, only 17 teachers are working in the fourth respondent. Therefore, the question of surplus as mentioned in the impugned order does not arise.

5. Though a larger relief is prayed for by the petitioner in the writ petition, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that if a direction is issued to the respondents to dispose of the pending representation dated 28.5.2015, within a reasonable time, that would serve the purpose.

6. Considering the limited prayer now sought for by the learned counsel for the petitioner, without going into the merits of the writ petition, the petitioner is directed to send a copy of the representation dated 28.5.2015 along with the copy of this order to the first respondent within a period of one

week from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of eight weeks thereafter.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. Joint Director of School Education
(Secondary Education)
College Road, Chennai - 600 006
 2. Chief Educational Officer
Saidapet, Chennai - 600 015
 3. District Educational Officer
Chennai Central, Saidapet, Chennai - 600 015
- +1cc to M/s.C.S.Associates, Advocate, S.R.No.11616
+1cc to the Government Pleader, S.R.No.11743

WP.No.6555 of 2016

ksj (CO)
srg (05/04/2016)

सत्यमेव जयते

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