



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2016

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THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.17323 of 2016

AND

WMP(MD) .No.12577 of 2016

S.Saraswathi

... Petitioner

-vs-

1.The District Elementary Educational Officer,
Tirunelveli.

2.The Assistant Elementary Educational Officer,
Kalakad.

3.The Correspondent,
Salvation Army Middle School.
Nambiaradaippu,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records of the impugned order of 2nd respondent in A.Thi.Mu. 826/A1/16 dated 08.08.2016 and quash the same and consequently direct the respondent 1 and 2 to approve the re- employment of petitioner from 01.10.2016 to 31.05.17 i.e. till the end of academic year and pay all petitioner service and monetary.

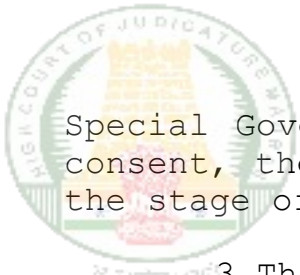
For Petitioner : Mr.H.Arumugam
For Respondents : Mr.M.Alagadevan
Special Government Pleader

O R D E R

This Writ Petition has been filed to quash the impugned order dated 08.08.2016 passed by the second respondent and consequently direct the respondents 1 and 2 to approve the re- employment of the petitioner from 01.10.2016 to 31.05.2017, i.e. till the end of academic year and pay all monetary benefits.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel for the petitioner and the learned



Special Government Pleader, who takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The learned Special Government Pleader appearing for the respondents would submit that there are surplus of teachers in the school coming under the management and therefore re-employment of the petitioner has not been approved.

4. Similar issue was considered by this Court in WP(MD)No.2631 of 2014 dated 25.02.2014, wherein at paragraph - 2, it has been held as follows:

".. The object of re-employment is the interest of the students, who should have the same teacher to impart education till the end of the academic year. Merely because there are surplus teachers available, the same cannot be a ground to deny the approval of re-employment."

5. The dictum laid down by this Court in the above said decision, is squarely applicable to the facts of the present case.

6. Therefore, the Writ Petition is allowed and the impugned order dated 08.08.2016 passed by the second respondent is set aside. The respondents 1 and 2 are directed to approve the proposals sent by the third respondent for re-employment of the petitioner from 01.10.2016 to 31.05.2017, that is, till the end of academic year and to pay all monetary benefits within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected WMP(MD) No.12577 of 2016 is closed.

Sd/-

Assistant Registrar[RECORDS]

/True copy/

Sub Assistant Registrar CS III

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To

1. The District Elementary Educational Officer,
Tirunelveli.

2. The Assistant Elementary Educational Officer,
Kalakad.

3. The Correspondent,
Salvation Army Middle School.
Nambiaradaippu, Tirunelveli District.

1CC TO MR. H. ARUMUGAM, ADVOCATE SR: 51985

AM SK SKN SAR CS III

W.P(MD)No.17323 of 2016

14.09.2016