



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.17787 of 2016

and

W.M.P (MD) Nos.12827 and 12828 of 2016

P.Indira Parvathi

: Petitioner

Vs.

1.The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Nunkampakkam,
Chennai.

2.The Additional Chief Educational Officer,
Sarva Shiksha Abhiyan,
Tirunelveli,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the files of the second respondent pertaining to its order bearing R.C.No.430/B2/AKE/2016, dated 10.08.2016 and to quash the same and consequently direct the respondents to order the re-employment of the petitioner till the end of academic year 2016-2017.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Kumar,
Additional Government Pleader.

O R D E R

This writ petition has been filed praying for issuance of a Writ of Certiorarified Mandamus to quash the order dated 10.08.2016, passed by the second respondent in R.C.No.430/B2/AKE/2016 and consequently to direct the respondents to order the re-employment of the petitioner till the end of Academic Year 2016-2017.

2.Heard the learned counsel appearing for the petitioner and the Additional Government Pleader appearing for the respondents.



3. It is the case of the petitioner that the petitioner was appointed as Block Resource Teacher Educator, vide proceedings of the Joint Director of School Education, Chennai, in Na.Ka.No.048831/C6/C24/06 dated 14.07.2006. Subsequently, she was posted as Block Resource Teacher Educator at Block Resource Centre, SSA, Pennagaram, Morapur Block, Dharmapuri District, during the year 2007. Thereafter, she was posted as in-charge supervisor on and from 02.01.2014. On 29.07.2016, the petitioner made a request to the second respondent for reemploying her from 01.10.2016 to 31.05.2017, on the ground that she is entitled to be re-employed till the end of the Academic Year 2016-2017. The said request rejected was rejected by the second respondent, vide order, dated 10.08.2016 with the reasoning that the foreign service terms and conditions are applicable to the petitioner and there is no summer vacation for the petitioner. Further, it is stated in the order that the application should have been given one year before the expiry of the superannuation. That order is under challenge in this writ petition.

4. The learned counsel for the petitioner relied upon the earlier order passed by the Principal Seat of this Court, dated 25.11.2014, in W.P.No.28810 of 2014. The petitioner therein challenged the order of rejection for reemployment and the Principal Seat of this Court in M.P.No.1 of 2014, was pleased to order interim stay of the impugned order dated 29.09.2012. The Government did not choose to prefer any appeal nor has disregarded the interim order passed by this Court, but implemented the order by granting re-employment to the petitioner therein, till the end of the Academic Year i.e., till 31.05.2015, by the proceedings dated 05.03.2015.

5. The learned counsel for the petitioner would contend that the petitioner, who is similarly placed under the same set of circumstances, is also entitled to equal protection as that of the petitioner in W.P.No.28810 of 2014. In other words, it is contended that the Government, having accepted in principle, the proposition that persons employed under SSA scheme are also entitled to extension of the tenure by re-employment till the end of the Academic Year 2016-2017 is estopped from taking a contradictory plea so far as this petitioner is concerned.

6. It is not the case of the Government that the case of the petitioner stands on a different footing in any aspect. Therefore, the contention made on the side of the petitioner has to be accepted. Under such circumstances, the petitioner is also entitled to re-employment till the end of the Academic Year 2016-2017.

7. In view of the above, the writ petition is allowed and the impugned order dated 10.08.2016, passed by the second respondent in R.C.No.430/B2/AKE/2016 is set aside and the respondents are



directed to re-employ the petitioner till the end of the Academic year i.e., till 31.05.2017. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(RTI)

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Sub Assistant Registrar.

To

- 1.The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Nunkampakkam,
Chennai.
- 2.The Additional Chief Educational Officer,
Sarva Shiksha Abhiyan,
Tirunelveli,
Tirunelveli District.

+1CC to M/S. S.C.Herold Singh, Advocate, SR.No. 57309

ORDER MADE IN
W.P (MD) No.17787 of 2016
and
W.M.P (MD) Nos.12827 and 12828 of 2016
29.09.2016

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