



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALAW.P(MD)No.21216 of 2016 and
W.M.P (MD) No.15162 of 2016

Dorathi Mercy

... Petitioner

-vs-

1. The Director of School Education,
D.P.I. Compound, College Road,
Nungambakkam, Chennai2. The District Educational Officer,
Madurai District, Madurai.

... Respondents

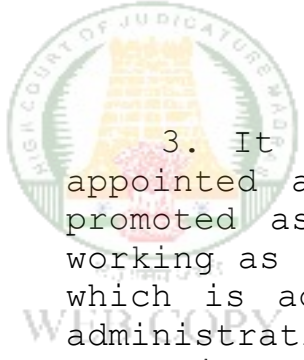
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records of the impugned order of the 2nd respondent in Oo.Mu.No.6158/A5/2016 dated .10.2016 and quash the same and consequently direct the respondents herein to approve the re-employment of petitioner from 01.11.2016 to 31.05.2017 i.e., till the end of academic year and pay all the service and monetary benefits.

For Petitioner : Mr.M.O.Thevan Kumar

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader**O R D E R**

This writ petition has been filed, seeking to quash the impugned order dated Nil/10/2016 passed in Oo.Mu.No.6158/A5/2016, by which the petitioner's request for re-employment till the academic year, i.e., upto 31.05.2017 was rejected. The petitioner also sought consequential direction to the respondents herein to approve the re-employment of petitioner from 01.11.2016 to 31.05.2017 i.e., till the end of academic year and pay all the service and monetary benefits.

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



3. It is the case of the petitioner that the petitioner was appointed as Assistant Teacher on 02.07.1984 and thereafter was promoted as Headmistress on 01.02.2010; that the petitioner was working as Headmistress in TELCJA High School, Ponnagaram, Madurai, which is administered by Trichy TELC Tranquebar and due to some administrative reason, now the school is under direct payment by the 2nd respondent herein; that the petitioner requested the 2nd respondent for re-employment from 01.11.2016 to 31.05.2017 by way of submitting an application dated 13.10.2016 to have the privilege of teaching the students until the completion of academic year as per G.O.Ms.No.1643, Education (U2) Department dated 27.10.1988; that her request was declined on the ground that the school is under direct payment; that though the impugned order is dated 19.10.2016, it was served only on 01.11.2016, the last date of her superannuation and so far, she has not been relieved from the post of Headmistress.

4. Learned counsel for the petitioner would submit that the reason adduced by the 2nd respondent that the school is under direct payment, cannot be the ground to refuse the grant of re-employment and therefore, the impugned order is liable to be set aside.

4.1. Learned counsel for the petitioner relied upon the earlier order passed by the Principal Seat of this Court dated 08.11.2012 in W.P.Nos.27377 of 2012 etc batch, wherein this Court directed the respondents to grant re-employment forthwith to the petitioners therein from the date of their retirement

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 petitioners in W.P.No.27377 of 2012 etc. batch.

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, i.e., upto 31.05.2017.

7. In view of the above, the writ petition is allowed and the impugned order passed by the District Educational Officer, Madurai District, Madurai / 2nd respondent herein in Oo.Mu.No.6158/A5/2016 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 and also to provide monetary benefits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar[RTI]

/True copy/



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To

1. The Director of School Education,
D.P.I. Compound, College Road,
Nungambakkam, Chennai

2. The District Educational Officer,
Madurai District, Madurai.

1CC TO MR. M.O.THEVANKUMAR, ADVOCATE SR: 65916

1CC TO THE SPL GOVT PLEADER SR: 66616

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