

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2152 of 2017

and WMP.No.2119 of 2017

J.S.Selvi .. Petitioner
vs.

The District Adi Dravidar and Tribal Welfare Officer,
Vellore, Vellore District. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to allow the petitioner to continue in service as Tutor-cum-Matron, Government (ADW) Girls Hostel, Odugathur, Ambur Taluk, Vellore District till 31.05.2017 on extension of service with all consequential benefits.

For Petitioner : Mr.T.Sellapandian
For Respondent : Mr.R.A.S.Senthilvel,
Additional Government Pleader

ORDER

By consent, this Writ Petition is taken up for final disposal.

2.The petitioner was initially appointed as Secondary Assistant Teacher on 26.07.1982 in Adi Dravidar Elementary School, Adiyur and was promoted as B.T. Assistant on 09.08.2007 in Government Girls Hostel, Pernampet, Vellore District, and at present working as Tutor-cum-Matron in Government Girls (ADW) Hostel, Ambur Taluk, Vellore District. According to the petitioner, the post of B.T. Assistant is a interchangeable post and she is due to retire on attaining the age of superannuation on 31.01.2017 and eligible to continue till 31.05.2017 i.e., till the completion of the academic year on re-employment. The petitioner would further aver that as per G.O.Ms.No.249, Health Education and Local Administration Department dated 09.02.1959, and G.O.Ms.No.1643, Education Department dated 27.01.1988, the benefit of reemployment has been extended to those teachers who

reach the age of superannuation during the middle of the academic year. According to the petitioner, the post of B.T. Assistant and Tutor-cum-Matron is an interchangeable one and she is entitled to continue till the completion of the academic year till 31.05.2017 and in this regard, the petitioner has also submitted a representation dated 12.01.2017 and since, it is yet to be considered and disposed of, came forward with this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 22.12.2008 made in M.P.No.1 of 2008 in W.P.No.30356 of 2008 and also the Conduct Certificate dated 23.01.2017 issued by the Thasildar, Adi Dravidar Welfare, Thirupathur and would submit that since the post is an interchangeable one, the petitioner is entitled to continue till 31.01.2017 and also further drawn the attention of this Court to the proceedings of the District Adi Dravidar Welfare Officer, Vellore in Na.Ka.K3/65350/2008 dated 31.12.2008 and prays for appropriate orders.

4. Heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondent and also perused the entire materials available on record.

5. This Court, in the light of the above cited Government Orders and taking into consideration of the fact that the post of B.T. Assistant and Tutor-cum-Matron is an interchangeable one coupled with the above proceedings of the Vellore District Adi Dravidar Welfare Officer dated 31.12.2008, is of the view that the petitioner is entitled to continue till the completion of the academic year i.e., till 31.05.2017.

6. In the result, this Writ Petition is disposed of with a direction that the services of the petitioner is to be retained by the respondent till the completion of the academic year viz., till 31.05.2017, subject to the fulfillment of relevant norms and the respondent is directed to pass orders to that effect within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To
The District Adi Dravidar and Tribal Welfare Officer,
Vellore, Vellore District.

+lcc to Mr.mani, Advocate, S.R.No.5378
+lcc to the Government Pleader, S.R.No.5924

mg (CO)
md(01/02/2017)

W.P.No.2152 of 2017



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