



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.632 of 2018

and

W.M.P. (MD.Nos.665 & 666 of 2018

A.Arul Valan

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road, Chennai-600 006.

2. The District Elementary Education officer,
Tallakulam, Madurai.

3. The Assistant Elementary Education Officer,
Madurai North,
Tallakulam, Madurai.

4. Mr.Felix Thiagarajan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.614/A1/2017 dated 22.11.2017 on the file of the third respondent and quash the same as illegal and consequently direct the Respondent No.3 to allow the petitioner continue to function in the post of Headmaster (In-charge), within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

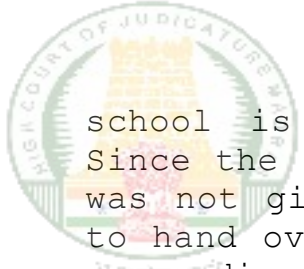
For Respondents : Mr.J.Gunaseelan Muthiah for R1 to R3
Additional Government Pleader
: Mr.Saji Bino for R4

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties the main Writ Petition is taken up for final disposal.

3.The petitioner is working as a Secondary Grade Teacher in Fathima Middle School, Kasthuribai Nagar, Madurai. One <https://hmservices.ecourts.gov.in/hmservices/> Gayarani, who was working as a Headmistress of the said school, reached the age of superannuation on 31.07.2017. The



school is now under the direct management of the department. Since the school is already having surplus teachers, re-employment was not given to the said Mrs.I.Fathima Jayarani. She was asked to hand over the charge originally to the petitioner herein, vide proceedings dated 31.07.2017. The petitioner did not take over the charge from the said Headmistress. Therefore, by order dated 04.10.2017, the fourth respondent was asked to take over the administration of the school as a Headmaster.

4.It is now brought to my notice by the learned counsel for the fourth respondent that in W.P.(MD).No.22812 of 2017, the said Mrs.Fathima Jeyarani challenged the proceedings dated 04.10.2017 and 31.07.2017 and that this Court allowed the said Writ Petition on 25.01.2018 and directed the District Elementary Educational Officer to decide the matter. Therefore, the second respondent has to decide the matter and a decision regarding the re-employment of the said Mrs.Fathima Jeyarani should be taken forthwith, without any further delay. If the second respondent comes to a decision not to grant any re-employment to the said Fathima Jeyarani, it is open to the second respondent herein to hand over the charge either to the petitioner or to the fourth respondent. In any event, the said decision shall be taken in accordance with law and as per the existing instructions.

5.This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
College Road, Chennai-600 006.
2. The District Elementary Education officer,
Tallakulam, Madurai.
3. The Assistant Elementary Education Officer,
Madurai North, Tallakulam, Madurai.

+1cc to Mr.T.Lajapathi Roy, Advocate, in SR No.44440

+1cc to Mr.S.Saji Bino, Advocate, in SR No.44490

**W.P. (MD) No.632 of 2018 and
W.M.P. (MD.Nos.665 & 666 of 2018
29.01.2018**