



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.12388 of 2017

and

WMP (MD) No.9536 of 2017

S.Fathima Rosali

... Petitioner

Vs.

1. The District Elementary Educational
Officer, Dindigul.

2. The Assistant Elementary Educational
Officer,
Dindigul Rural, Dindigul District.

3. The Secretary,
St.Antony's Primary School,
Kallathupatti, Dindigul-5.

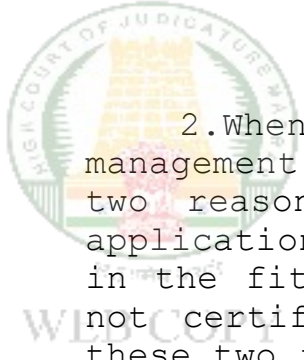
... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the third respondent in his proceedings in Athi.Mu/2017 dated 27.06.2017 and quash the same and direct the respondents to re-employ the petitioner in the third respondent school from 01.07.2017 to 31.05.2018 and confer all the consequential benefits.

For Petitioner	: Mr.V.Panneer Selvam
For Respondents	: Mr.J.Gunaseelan Muthaiah, Addl., Govt.Pleader for R1 & R2 Mr.T.A.Ebanezer for R3

ORDER

The petitioner was working as Elementary School Headmistress in the third respondent school. She retired from service on 30.06.2017. Since technically her retirement took place in the middle of the academic year, she is entitled to continue in service till the end of the academic year i.e., upto 31.05.2018.



2. When the petitioner applied for such re-employment, the management has declined to accept the petitioner's request for two reasons. The first reason was that in the petitioner's application, date was not mentioned. The second reason was that in the fitness certificate issued by the Medical Officer, it was not certified that the petitioner was mentally fit. Based on these two reasons, the petitioner's request has been rejected.

3. The learned counsel appearing for the third respondent school management would submit that the petitioner's application was not rejected as such and that it was returned by stating those two reasons.

4. This Court is of the view that the reasons for the said return are obviously unreasonable. In fact, the counter affidavit filed by the department supports the case of the petitioner. Since there are only hardly three months to go, this Court does not propose to remit the matter to the file of the management. Even in the endorsement of the return made by the management no disqualifying circumstances have been set out.

5. Therefore, the order dated 27.06.2017 passed by the third respondent returning the petitioner's application is quashed. The third respondent is directed to re-employ the petitioner for the period up to 31.05.2018. The department, namely, the respondents 1 and 2 are directed to grant approval for the period from 01.07.2017 to 31.05.2018.

6. It is the third respondent who will have to pay re-employment salary for the period from 01.07.2017 till 06.03.2018. The third respondent is directed to disburse the said amount to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. The department, of course, will be liable to pay the re-employment for the remaining period.

7. This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

[https://hs.courts.gov.in/hs/services/Elementary Educational Officer,](https://hs.courts.gov.in/hs/services/Elementary%20Educational%20Officer%20Dindigul%20Rural%20Dindigul%20District)
Dindigul Rural, Dindigul District.



2. The Assistant Elementary Educational Officer,
Dindigul Rural, Dindigul District.

+1. CC to M/S.V.PANNEER SELVAM Advocate SR.No.53483

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.53251

+1. CC to Special Government Pleader, SR.No.53631

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Skm

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