



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.22812 of 2017
and
W.M.P. (MD).No. 19107 of 2017

Fathima Jeyarani

.. Petitioner

Vs.

- 1.The Director of Elementary Education,
Nungambakkam, Chennai - 600 006.
- 2.The District Elementary Educational Officer,
Madurai, Madurai District.
- 3.The Assistant Elementary Educational Officer,
North Madurai, Madurai District.
- 4.The Correspondent,
Fathima Middle School,
Kasthuribai Nagar,
Madurai - 625 016,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent/Assistant Elementary Educational Officer in Na.Ka.No. 440/a1/2017, dated 31.07.2017, 04.10.2017 and 20.10.2017, quash the same and further direct the respondents 1 to 3 to allow re-employment to the petitioner as Headmistress of the fourth respondent school from 01.08.2017 till the end of the academic year 2017-2018 ie., till 31.05.2018 and disburse the grant-in-aid towards the petitioners salary including all attendant benefits.

For petitioner

: Miss.Amala
for M/s.Isaac Chambers

For R-1 to R-3

: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

**O R D E R**

Heard Miss.Amala for M/s.Isaac Chambers, learned Counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the Respondent Nos.1 to 3.

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2. The writ petitioner is working as Headmistress in the fourth respondent School. She reached the age of superannuation on 31.07.2017. The case of the writ petitioner is that as per G.O.(Ms). No.1643, Education (D.2) Department, dated 27.10.1988, she is entitled to be re-employed till the end of the academic year 2017 -2018. She submitted an application in this regard to the third respondent, but the same was returned, on 25.07.2017, on the ground that he has no jurisdiction to pass orders on the said request. On 31.07.2017 the very same third respondent passed the impugned order calling upon the writ petitioner to handover the charge to one Arulvalan. This is assailed in this writ petition.

3. The learned counsel appearing for the writ petitioner contended that when her request for reappointment is presently pending with the third respondent without passing formal order thereon, the third respondent had issued the impugned order.

4. This Court finds force in the said submission. The impugned order is therefore quashed. The second respondent is directed to consider the writ petitioner's representation dated 14.07.2017, on merits and in accordance with law. Such order shall be passed on or before 28.02.2018. It is made clear that this Court has not expressed any opinion on the merits of the matter.

5. This Writ petition is allowed, as indicated above. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

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

<https://hcservices.courtsofmadurai.org/>
2.The District Elementary Educational Officer,
Madurai, Madurai District.



3.The Assistant Elementary Educational Officer,
North Madurai, Madurai District.

+1CC TO M/S.ISSAC CHAMBERS, ADVOCATE, SR NO.44488

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ORDER MADE IN
W.P. (MD) No.22812 of 2017
and
W.M.P. (MD) .No. 19107 of 2017
25.01.2018

kmi

MS/PM-PN/SAR.3/29.01.2018/3P.5C