

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8882 of 2019  
and  
W.M.P.No.9433 of 2019

M.Kumar

..Petitioner

vs

- 1.The Government of Tamil Nadu  
Rep.by its Principal Secretary,  
School Education Department,  
Secretariat, Chennai - 600 009
- 2.The State Project Director  
Rashtriya Madhyamik Shiksha Abhiyan,  
DPI Campus, Chennai - 600 006.
- 3.The District Project Co-ordinator /  
Chief Educational Officer,  
Office of the Chief Educational Officer,  
Perambalur District.
- 4.The State Project Director,  
Integrated Project for School Education,  
Samagra Shiksha Abhiyan,  
DPI Campus, Chennai - 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to re-appoint the petitioner to the post of Office Assistant in Samagra Shiksha Abhiyan.

For Petitioner : Mr.T.S.Rajeev Gandhi  
For Respondents: Mr.A.Rajaperumal  
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the Respondents to re-appoint the petitioner to the post of Office Assistant in Samagra Shiksha Abhiyan.

2.The writ petitioner was appointed on contract basis as an Office Assistant in the scheme namely Samagra Shiksha Abhiyan.

3.The learned counsel for the writ petitioner states that though the writ petitioner was appointed on contract basis temporarily, all other similarly placed persons were granted with the benefit of reappointment after the merger of two schemes. However, the writ petitioner has not been considered for reappointments.

4.This Court is of the considered opinion that the writ petitioner was engaged as a contract employee on temporary basis. Thus, the reappointment can never be claimed as a matter of right. However, if the writ petitioner is otherwise qualified and eligible and if there is no impediment as well as his conduct during his earlier appointment was satisfactory, then the case of the writ petitioner also shall be considered along with all other eligible candidates, who all are waiting for reappointment.

5.It is made clear that Court cannot issue any direction for reappointment in the absence of establishing a legal right by the writ petitioner. Admittedly, the writ petitioner was engaged as a contract employee on temporary basis and he was already orally relieved from service.

6.This being the factum, if at all, the writ petitioner submits any representation in this regard, the same shall be considered as per the rules and by following the procedures as contemplated.

7.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal Secretary,  
School Education Department,  
Secretariat, Chennai - 600 009

2.The State Project Director  
Rashtriya Madhyamik Shiksha Abhiyan,  
DPI Campus, Chennai - 600 006.

3.The District Project Co-ordinator /  
Chief Educational Officer,  
Office of the Chief Educational Officer,  
Perambalur District.

4.The State Project Director,  
Integrated Project for School Education,  
Samagra Shiksha Abhiyan,  
DPI Campus, Chennai - 600 006.

+1 CC to Mr.T.S.Rajeev Gandhi, Advocate sr 30388.

W.P.No.8882 of 2019

GP(CO)  
SP(14/05/2019)