

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.18983 of 2019
and
W.M.P.No.18332 of 2019

C.Rangan ... Petitioner

Vs.

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
- 2.The Chief Educational Officer,
Thiruvallur District, Thiruvallur.
- 3.The District Educational Officer,
Thiruvallur Educational District,
Thiruvallur.
- 4.The District Educational Officer,
Tiruttani Educational District,
Thiruvallur District. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pass orders to revert the petitioner to the post of Middle School Head Master in the existing vacancy in Pallipattu Union, Thiruvallur District and to allow the petitioner to continue in service on superannuation till the end of the academic year 2019-20, by considering the representation of the petitioner dated 29.06.2019 based on the orders passed by the first respondent in Na.Ka.No.02367/I1/2019 dated 28.06.2019.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.K.karthikeyan
Government Advocate

ORDER

The petitioner was originally appointed as Primary School Head Master in Government Aided School in the year 1992. The post of Middle School Head Master and the Assistant Elementary Educational Officer are interchangeable, since both the posts carry equal pay scale. The petitioner was transferred and posted as Assistant Elementary Educational Officer in 2009 and he continued to work till date in Poondi Union, Thiruvallur District. The post of Assistant Elementary Educational Officer has been re-designated as Block Educational Officer as per G.O.(Ms)No.101, School Education (Budget-1) Department dated 18.05.2018. The petitioner on attaining the age of superannuation retired from service on 30.06.2019.

2. According to the petitioner, as per Government Order in G.O.Ms.No.1369, Education Department, dated 25.08.1973, teachers who are retiring from service during the middle of the academic year is entitled to continue in service till the end of the academic year. As per convention and practice, every year the Assistant Elementary Educational Officer or Block Educational Officer, who is retiring in the middle of the academic year, would be transferred back to the post of Middle School Head Master, an equivalent post, to continue in service till the end of the academic year on re-employment.

3. While matter stood thus, the Government issued orders in G.O.(Ms)No.19, School Education Department, dated 07.02.2019 upgrading the post of Block Educational Officer as promotional post from the category of Middle School Head Master. In view of his retirement on superannuation, the petitioner submitted a representation that he must be reverted back to the post of Middle School Head Master in Pallipatti Union where a vacancy was available. However, the representation was kept pending, in view of the issuance of G.O.(Ms).No.19 dated 07.02.2019 upgrading the post of Block Educational Officer as a promotional post from the category of Middle School Head Master.

4. While this request was pending, on the eve of his retirement the 2nd respondent on 29.06.2019 clarified that the petitioner can be reverted to the post of Middle School Head Master, Pallipattu Union in the existing vacancy, while referring to the 1st respondent's order dated 28.06.2019.

5. In the said circumstances, the petitioner is before this Court seeking direction to revert him to the

post of Middle School Head Master in the existing vacancy in Pallipattu Union, Thiruvallur District.

6.On notice, Mr.K.Karthikeyan, learned Government Advocate has entered appearance. The above facts are not disputed by the learned Government Advocate for the respondents.

7.In view of the above submissions, this Court is convinced that the petitioner has made out a case for grant of relief. This is more particularly so, when the respondents themselves have clarified that the petitioner can be reverted and posted to the post of Middle School Head Master, Pallipattu Union, in the available vacancy. In view of the clarification strengthening the claim of the petitioner, this Court has no hesitation in allowing the writ petition.

8.The Writ Petition is allowed and the respondents are hereby directed to revert the petitioner and post him as Middle School Head Master in the existing vacancy in Pallipattu Union forthwith on re-employment basis till the end of the academic year (2019-2020) and pay him whatever admissible pay and allowance as payable to him, on being re-employed. The order shall be complied with by the respondents within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
- 2.The Chief Educational Officer,
Thiruvallur District, Thiruvallur.

- 3.The District Educational Officer,
Thiruvallur Educational District,
Thiruvallur.
- 4.The District Educational Officer,
Tiruttani Educational District,
Thiruvallur District.

+1cc to Mr. G.Sankaran, Advocate SR.No. 59100

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