



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.20262 of 2019

and

WMP.No.19656 of 2019

K.Govindammal

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Education Department,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
DPI Campus,
Chennai-600 006.
- 3.The Joint Director of School Education,
Chennai- 600 005.
- 4.The Chief Educational Officer,
Office of the CEO,
Dharmapuri-636705.
- 5.The District Educational Officer,
Office of the DEO (School Education)
Dharmapuri.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue any writ or order or direction most particular in the nature of Writ of Mandamus to direct the fourth respondent to pass appropriate orders re-employing the petitioner to continue as a B.T.Assistant (Tamil) at the Government High School, Narathampatty with all resultant benefits.

For Petitioner : Mr.N.Shamuga Thayumanavan

For Respondents 1-5 : Mrs.P.Kavitha
Government Advocate



ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus to direct the fourth respondent to pass appropriate orders re-employing the petitioner to continue as a B.T.Assistant (Tamil) at the Government High School, Narathampatty with all resultant benefits.

2. According to the petitioner, she was initially appointed as Noon Meal Organizer and thereafter pursuant to the directions of this Court, she came to be appointed as B.T.Assistant (Tamil) in Government High School, Narthampatty, Dharmapuri. Thereafter, on attaining the age of superannuation on 30.06.2019 she retired from service. It appears that the petitioner made representation on 16.04.2019 seeking for re-employment till the end of the academic year 2019 - 2020. The grievance of the petitioner is that though she is entitled for re-employment till the end of the present academic year, she was not given such employment. Hence the petitioner is constrained to approach this Court.

3. Learned counsel for the petitioner would submit that it is the policy of the Government to confer re-employment to the teacher and retirement during the middle of the academic year and to continue till the end of the academic year and though the petitioner is eligible for re-employment she was not given re-employment. Therefore, she would implore this Court to consider the request of the petitioner and direct the respondents to pass appropriate orders.

4. Learned Government Advocate appearing for the respondents would submit that the request of the petitioner for re-employment was considered by the Fourth respondent and rejected her request and the reasons were also informed to the petitioner.

5. Heard learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available before this Court.

6. As could be seen from the counter affidavit filed by the fourth respondent, the reasons for rejection of the request of the petitioner are that there are three B.T. Surplus posts (Maths-1, Tamil-1 and Social Science-1) existing in Govt.High School, Narthampatti as on date and as per the guidelines of the Hon'ble High Court of Madras Madurai Branch in Writ Petition (MD) No.19848/2018, Writ Appeal Petition in W.A.P.(MD) Nos.17628 of 2018; W.P.(MD) No.19848 of 2018 and W.M.P.(MD)No.17628 of 2018, and as per the guideline (ii) of para 7 in G.O.Ms.No.261 /



School Education (Pa.Ka.5(2) / Department dated 20.12.2008, the Writ Petitioner is not eligible to get re-employment from 01.07.2019 to 31.05.2020 and therefore she was not given re-employment from 01.07.2019 to 31.05.2020 after her retirement as on 30.06.2019 on superannuation and the act of the Chief Educational Officer, Dharmapuri in this regard in accordance with the Government Norms.

7. Already the petitioner made request for re-employment and the same was not considered by the respondent. However in the counter they clearly stated that the petitioner is not eligible to get re-employment from 01.07.2019 to 31.05.2020 and therefore she was not given re-employment after her retirement, in view of the guidelines issued in W.P.(MD) No.19848 of 2018. However, no communication was sent to the petitioner. Hence, this Court directs the respondents to communicate the decision to the petitioner to enable her to workout her remedy in the manner know to law.

8. The Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Education Department, Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
DPI Campus, Chennai-600 006.
- 3.The Joint Director of School Education, Chennai- 600 005.
- 4.The Chief Educational Officer,
Office of the CEO, Dharmapuri-636705.
- 5.The District Educational Officer,
Office of the DEO (School Education), Dharmapuri.

+1 cc to M/s.Hari Radhakrishnan, Advocate Sr.No. 86683

+1 cc to The Government Pleader Sr.No.87345

AKM/10.01.2020/3P-8C /

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