

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 24463 of 2019

and

W.M.P.Nos. 24204 & 24205 of 2019

1. D.Jayasree

B.T.Assistant, Mathematics,
W/o. C.G. Hemanthkumar,
Devi Nalla Sakthi Middle School (Aided),
Triplicane, Chennai - 600 005.

2. J.Snowna Fernando,

B.T.Assistant - Science,
W/o. A.Peter Pinheiro,
Devi Nalla Sakthi Middle School (Aided),
Triplicane, Chennai - 600 005.

3. K.Jayanthi,

B.T.Assistant, Science,
W/o.G.Umapathy,
Devi Nalla Sakthi Middle School (Aided),
Triplicane, Chennai - 600 005.

...Petitioners

Vs

1. The Director of Elementary Education,
DPI Campus,
College Road, Chennai - 600 006.

2. The District Elementary Educational Officer,
Chennai (East),
Chennai - 600 006.

3. The Block Educational Officer,
Triplicane,
Chennai - 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondents to re-deploy the petitioners to any other needy Government/aided school in furtherance of the recommendation of the third respondent in Na.Ka.Nos. 119/2019, dated 20.06.2019, 120/2019,

dated 20.06.2019 and 121/2019, dated 20.06.2019 within a time frame to be fixed by this Court.

For Petitioners : M/s.Dakshayani Reddy

For Respondents : Mr.A.Raja Perumal
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for the issuance of a Writ of Mandamus, directing the respondents to re-deploy the petitioners to any other needy Government/aided school, in furtherance of the recommendation of the third respondent in Na.Ka.Nos. 119/2019, dated 20.06.2019, 120/2019, dated 20.06.2019 and 121/2019, dated 20.06.2019, within a time frame to be fixed by this Court.

2. The case of the petitioners is that they were originally appointed on consolidated pay as Junior Grade B.T. Teacher in Sivaraman Aided Middle School, in the year 2004. It is submitted that the petitioners' services were subsequently regularized with effect from 01.06.2006 and the petitioners have been rendering unblemished service till date. While so, in the year 2010, the Sivaraman Middle School, Egmore, was directed to be closed due to the fact that the school building was more than 100 years old and the safety of the students was at stake.

3. The learned counsel appearing for the petitioners would submit that taking into consideration that the school was directed to be closed, the petitioners were directed to be re-deployed from Sivaraman Middle School, Egmore to the present station at Devi Nalla Sakthi Middle School, Triplicane.

4. The learned counsel appearing for the petitioners would further submit that the petitioners have been working in the said school from that date. It is submitted that even when the petitioners were re-deployed to the present station, there were only about 19 students in classes VI, VII and VIII. It is submitted that over the years, the admission of students has dwindled due to the fact that other private schools are admitting students up to 25% under the Right to Education Act. It is submitted that as on date there are only 4 students in classes VI, VII and VIII and the petitioners are teaching only those four students.

5. The learned counsel for the petitioners would now submit that it would suffice, if this Court issues a direction to implement the recommendation of the 3rd respondent dated 20.06.2019, within a stipulated time frame fixed by this Court.

6. The learned counsel appearing for the respondents conceded to the request made by the learned counsel appearing for the petitioners.

7. Considering the submissions made by the learned counsel for both sides, without expressing any opinion on merits, I am inclined to issue a direction to the first respondent to consider and pass orders on the recommendation of the 3rd respondent dated 20.06.2019, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

kmm

To

1. The Director of Elementary Education,
DPI Campus,
College Road, Chennai - 600 006.

2. The District Elementary Educational Officer,
Chennai (East),
Chennai - 600 006.

3. The Block Educational Officer,
Triplicane,
Chennai - 600 005.

+1cc to Mr.Dakshayani Reddy, Advocate SR.No.80255

+1cc to Government Pleader SR.No.80744

W.P.No. 24463 of 2019

MRI (CO)
GMY(19/11/2019)