

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32781 of 2019

C.Lokesh

... Petitioner

.Vs.

- 1.The Director of Elementary Education,
DPI Compound,
Chennai-600 006.
- 2.The Chief Educational Officer,
Old Railway Station Road,
Erode-1.
- 3.The District Educational Officer,
Bhavani,
Erode District.
- 4.The Block Educational Officer,
Bhavani Union,
Bhavani,
Erode District.
- 5.Nethaji Aided Elementary School,
Represented by its Correspondent/Secretary
Koolikaranpalayam,
Vardhanallur-638 311,
Bhavani Taluk,
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 08.03.2019 and pass suitable orders on the request of the 5th respondent dated 22.05.2017 for re-appointment.

For petitioners: Mr.R.Prabakar

For Respondents: Mr.P.Raja
Government Advocate

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that he was appointed as Elementary Teacher in the 5th respondent school in the year 2012 and he was working till March 2014. Thereafter, he was orally terminated by the 5th respondent stating that he has not passed in TET examination. However, similarly placed persons challenged the order of the Government imposing the TET qualification and this Court granted time of 5 years for acquiring the TET qualification. Even without completing the 5 years period he has been orally terminated from the 5th respondent school. After his oral termination no new appointments has been made to the 5th respondent in vacancy. The petitioner submitted that he has sent representation dated 19.04.2018, 22.11.2018 and 08.03.2019 requesting the respondents 1 to 4 to pass appropriate orders for his re-appointment. Since no response is forthcoming from the respondents, the petitioner is constrained to file this writ petition.

3.The learned counsel for the petitioner submitted that the petitioner had already approached this Court seeking direction to approve his appointment in W.P(MD).No.1432 of 2014 and the same was disposed along with the batch of writ petitions with a direction to give benefits as well as to conduct TET test periodically. The learned counsel would further submitted that this Court in W.A.No.1723 of 2019 has granted interim injunction against the dismissal of teachers for non complying with the TET qualification. The learned counsel would submit that the order also observes that the test was not conducted in 2018 and the above order is still continuing and pursuant to the above order similarly placed persons are continuing in the job, whereas he had been ousted from the post orally.

4. Heard both sides.

5. Considering the facts and circumstances of the case, this Court directs the petitioner to make a detailed representation through Registered post with acknowledgement due, within a period of four weeks from the date of receipt of

copy of this order and the respondents on receipt of the said representation, shall consider and pass orders in accordance with law within a period of twelve weeks thereafter.

With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The Director of Elementary Education,
DPI Compound,
Chennai-600 006.
- 2.The Chief Educational Officer,
Old Railway Station Road,
Erode-1.
- 3.The District Educational Officer,
Bhavani,
Erode District.
- 4.The Block Educational Officer,
Bhavani Union,
Bhavani,
Erode District.
- 5.Nethaji Aided Elementary School,
Represented by its Correspondent/Secretary
Koolikaranpalayam,
Vardhanallur-638 311,
Bhavani Taluk,
Erode District.

+1cc to Mr.R.Prabakar, Advocate sr.97652
+1cc to Government Pleader SR.NO. 98081

W.P.No.32781 of 2019

bp(co)
nr 07/01/2020