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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.35254 of 2019
and W.M.P No.36053 of 2019

K.S.Rajendran

Petitioners

vs.

1. The Director of School Education,
DPUI Campus,
College Road, Nungambakkam,
Chennai - 600 006.
2. The Chief Educational Officer,
Ariyalur,
Ariyalur District.
3. The District Educational Officer,
Ariyalur,
Ariyalur District.
4. The Headmaster,
Government Higher Secondary School,
Thirumanur,
Ariyalur Taluk,
Ariyalur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to grant re-employment to the petitioner from 01.01.2020 to till the end of academic year i.e., 31.05.2020.

For Petitioner : Mr.R.Subramanian

For Respondents: Mrs.V.Annalakshmi

Government Advocate

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to grant re-employment to the petitioner.



2.The case of the petitioner is that the petitioner joined the services of the 1st respondent as BT Assistant (Tamil) in the year 2006. The petitioner will attain the age of superannuation on 31.12.2019 and the petitioner is seeking for re-employment till the end of the academic year. The petitioner has made a representation to the respondents on 16.12.2019 in this regard and the same has not been considered till date. Therefore, the present writ petition has been filed before this Court seeking for appropriate directions.

3.Heard Mr.r.Subramanian, learned counsel appearing on behalf of the petitioner and Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents.

4.It is seen that the Division Bench of this Court in W.A.No.2611 of 2019 by an order dated 20.09.2019 has held that priority must be given to the surplus teachers to be redeployed and only in the absence of the same, such approvals for appointment and extension of service can be granted. This was subsequently reiterated by the Hon'ble First Bench of this Court in W.A.No.3951 of 2019 by an order dated 25.11.2019.

5.In view of the above, the respondents can be directed to consider the representation made by the petitioner on 16.12.2019 in the light of the orders passed by this Court.

6.This writ petition is disposed of with a direction to the 3rd respondent to consider the representation made by the petitioner on 16.12.2019 seeking for extending his service till the end of the academic year. If the 3rd respondent does not find any surplus teacher who can be deployed to the Government Higher Secondary School, Thirumanur, Ariyalur District, the claim made by the petitioner for extension of service till the end of the academic year can be considered by virtue of G.O.Ms.No.261, School Education Department, dated 20.12.2018. This process shall be completed within a period of four weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



To

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+1 cc to M/s.R.Subramanian, Advocate Sr.No. 105634

AKM/20.12.19/3P-6C /

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