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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) Nos.14738 & 14739 of 2019

and

W.M.P. (MD) Nos.11148 & 11149 of 2019

S.Geetha ... Petitioner in
W.P. (MD) No.14738/2019

P.Kumari Devaki ... Petitioner in
W.P. (MD) No.14739/2019

Vs.

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Tirunelveli, Tirunelveli District - 627 009.

3.The District Educational Officer,
Valliyoor, Tirunelveli District.

4.The Headmaster,
NVC Government Higher Secondary School,
Radhapuram - 627 111,
Tirunelveli District.

... Respondents
in both the W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of Writs of Mandamus, directing the respondents herein to permit the petitioners to continue in service as B.T. Assistant (English) and B.T. Assistant (History) respectively, under re-employment in the fourth respondent School till the end of the academic year 2019-2020 (i.e., upto 31.05.2020) with all attendant benefits.

For Petitioner : Mr.K.Ragatheeshkumar
in both the W.Ps. for M/s.Issac Chambers

For Respondents : Mrs.S.Srimathy
in both the W.Ps. Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed seeking a direction to the respondents herein to permit the petitioners to continue in service as B.T. Assistant (English) and B.T. Assistant (History) respectively, under re-employment in the fourth respondent School



till the end of the academic year 2019-2020 (i.e., upto 31.05.2020) with all attendant benefits.

2.Mrs.S.Srimathy, learned Special Government Pleader takes notice for the respondents. By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

3.According to the petitioners, initially, they were appointed as B.T. Assistant (English) on 05.10.2007 at Government High School, O.Siruvayal, Sivagangai District and B.T. Assistant (History) on 22.12.2011 at Government High School, Periyammappalayam, Perambalur District, respectively. Thereafter, they were transferred to the fourth respondent School on 27.07.2012 and 03.06.2013 respectively. They attained the age of 58 years and due to retire on 30.06.2019. Now, the claim of the petitioners is that, in view of the Government Orders in vogue, the teachers, who attain the age of retirement in the middle of the academic year could be permitted to continue in service till the end of that academic year at the interest of the students. Hence, the petitioners submitted memorandum for the purpose of re-employment to the respondents herein on 17.05.2019, but, so far, no order has been passed by the respondents. Hence, the present Writ Petitions.

4.Perusal of the records shows that the petitioners attained the age of superannuation on 30.06.2019. Taking note of the interest of the Students and G.O.Ms.No.1643, Education (U2) Department, dated 27.10.1988, without going into the merits of the case, this Court directs the second respondent to consider the petitioners' representations dated 17.05.2019 and pass appropriate orders on merits and in accordance with law, by taking note of the relevant Government Order as well as the decisions of this Court, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that if the respondent Department grants approval for re-employment, the petitioners are entitled to get salary.

5.These Writ Petitions are disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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+2CC TO MR. ISAAC CHAMBERS, Advocate Sr. No. 73011 & 73012

W.P. (MD) Nos. 14738 & 14739 of 2019

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