



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.20447 of 2015
and M.P.Nos. 1 and 2 of 2015

Y.Jini Pritha

... Petitioner

Vs.

1. The Chief Educational Officer,
Nagercoil
Kanyakumari District.
2. The District Educational Officer,
Nagercoil
Kanyakumari District.
3. The President
The Council of the ICM Educational Institutions,
No.6, Madurai Road, Crawford,
Tiruchirappalli
Tiruchirappalli District.
4. Mary Immaculate High School
Represented by the Correspondent
Kanyakumari
Kanyakumari District.
5. G.Anuncia
Secondary Grade Teacher,
Mary Immaculate High School
Kanyakumari
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned communication in Na.Ka.No.4864/A4/2015 dated 25.09.2015 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the respondent No.4 to permit the petitioner to discharge the duty of the Secondary Grade Teacher in the 4th respondent School in accordance with order of appointment dated 22.07.2014.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.S.Srimathy for R1 & R2
Special Government Pleader

Mr.S.Anwar Sameem for R3 & R4

No appearance for R5

**ORDER**

The order of rejection dated 25.09.2015 issued by the District Educational Officer, Nagercoil declaring the post of Secondary Grade Teacher as surplus and relieved the petitioner from service is challenged in the present writ petition.

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2. Admittedly, the petitioner was appointed as Secondary Grade Teacher in the 4th respondent School on 31.03.2014. The competent educational authorities subsequently identified the said post as surplus and declared the same as surplus and consequently directed the Management of the School to relieve the Teacher as no grant-in-aid can be granted in respect of such surplus post. In view of the directions issued by the competent educational authorities, the School Management also had relieved the writ petitioner from the post of Secondary Grade Teacher on 12.06.2015. Now, at this length of time, this Court cannot grant the relief of reinstatement, in view of the fact that the current inspection report with reference to the students strength as well as the sanctioned post in the particular schools are to be considered. However, the relief as such sought for by the writ petitioner at this length of time cannot be granted. The writ petitioner states that even with reference to the period, for which, the petitioner works, no salary has been paid. In this regard, the School Management/fourth respondent has to pay the salary to the writ petitioner for the period, during which, the writ petitioner served as Secondary Grade Teacher. However, the writ petitioner is entitled to claim the Management salary as per the fixation.

3. With these directions, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

RR

To

1. The Chief Educational Officer,
Nagercoil
Kanyakumari District.

2. The District Educational Officer,
Nagercoil

Kanyakumari District.



3. The President
The Council of the ICM Educational Institutions,
No.6, Madurai Road, Crawford,
Tiruchirappalli
Tiruchirappalli District.

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- + 1 CC to Mr.V.John Kennedy, Advocate in SR.No.72356
- + 1 CC to Mr.T.Lajapathi Roy, Advocate in SR.No.72867
- + 1 CC to The Special Government Pleader SR.No.72426

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