



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.17894 of 2018

WEB COPY

J.Manohar Sagayaraj

... Petitioner

Vs.

1.The District Educational Officer,
Trichy District, Trichy.

2.The Block Educational Officer,
Trichy West,
City Corporation Middle School Campus,
Subramaniyapuram, Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus calling for the records of the 1st respondent proceedings O.Mu.No.3979-A5-2018 dated 06.08.2018 and quash the same as illegal and direct the 1st respondent to re employee the petitioner in the RC Model Elementary School, Trichy from 01.07.2018 to 31.05.2019.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mrs.S.Srimathy,
Special Government Pleader**ORDER**

This writ petition has been filed seeking to quash the proceedings in O.Mu.No.3979-A5-2018 dated 06.08.2018, by which the claim of the petitioner for re-employment was rejected by the 1st respondent and to direct the 1st respondent to re-employee the petitioner in RC Model Elementary School, Trichy from 01.07.2018 to 31.05.2019.

2.Heard the learned Counsel appearing for the petitioner and the Special Government Pleader appearing for the respondents and perused the materials available on record.

3.The learned Special Government Pleader appearing for the respondents submitted that the period for which the petitioner sought re-employment is almost over and hence, it is not possible for the authorities to consider the prayer of the petitioner, that too when there are Teachers in surplus. She further, relied on the judgment of a Division Bench of this Court rendered in WA(MD)No.910 of 2010 dated 15.12.2010 [K.Ramachandran Vs. The District Elementary Educational Officer and three others] and the relevant portion whereof reads as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

5.The stand of the Government is that as per the provisions of G.O.Ms.No.452, Education Department,



dated 24.03.1970, a teacher can avail the opportunity of re-employment, provided all the conditions for re-employment are satisfied and only when there is a need to continue him, according to the needs of the school. In the counter filed by the 1st respondent, it is stated that earlier, in the year 1998, on certain charges, the appellant was placed under suspension and only on the strength of the orders of the Director of Elementary Education, the appellant was reinstated in service without prejudice to the disciplinary proceedings and he joined on 06.07.1999 and when disciplinary proceedings are pending against the appellant, the appellant cannot claim re-employment. It is the further case of the department that as per the norms prescribed in G.O.Ms.No.525, School Education Department, dated 29.12.1997, there is one surplus teacher in AVM Middle School and there is no need for one teacher in the school and therefore the request of the appellant for re-employment was rightly declined".

Hence, the learned Special Government Pleader, in the light of the above judgment, prayed for the dismissal of the writ petition.

4. In view of the submission made on either side and also taking note of the judgment cited supra, the prayer of the petitioner cannot be acceded to and hence, the writ petition stands closed. No costs.

Sd/-
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1. The District Educational Officer,
Trichy District, Trichy.

2. The Block Educational Officer,
Trichy West,
City Corporation Middle School Campus,
Subramaniyapuram, Trichy.

+1 CC to M/s.S.MUTHU KRISHNAN, Advocate (SR-58702[F] dated 03/04/2019)

+1 CC to M/s.SPL GP (SR-59131[F] dated 04/04/2019)

WP(MD)No.17894 of 2018

CS: 16/05/2019/2P/5C