



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 526 of 2020

T.Sumathi

... Petitioner

Vs

1.The Director of School Education Department,
DPI Campus, College Road, Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Erode.

3.The District Educational Officer,
Erode.

4.The Headmaster,
Government Higher Secondary School,
Ganapathipalayam, Erode.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings in OM.No.3778/B4/2019 dated 30.06.2019 issued by the 3rd respondent, quash the same and direct the respondents 2 and 3 to grant re-employment to the petitioner from 01.07.2019 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 challenging the proceedings of the third respondent dated 30.06.2019 and for consequential direction to the third respondent to permit the petitioner to continue in the service till the end of the academic year.



2. The case of the petitioner is that he joined in the service as B.T. Assistant (Science) in Government Higher Secondary School, Ganapathipalayam. The superannuation of the petitioner was on 30.06.2019. Since the petitioner's retirement fell during the middle of the academic year, the representation was made by the petitioner to permit him to retire at the end of the academic year. For this purpose, the petitioner relied upon G.O. Ms. No.261, School Education Department, dated 20.12.2018. The petitioner gave a representation and the same was rejected by the third respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court.

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. The issue that is involved in this Writ Petition is covered by earlier order passed by this Court in W.P. No. 35254 of 2019 dated 19.12.2019. The relevant portions of the order is extracted hereunder:

"... 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 third 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 third 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."

5. In the present case also the same issue is involved. Therefore, a direction is issued to the third respondent to consider the claim made by the petitioner for extension of service till the end of the academic year, if there are no surplus teachers who can be deployed in the third respondent school and the claim made by the petitioner can be considered by virtue of G.O. Ms. No.261, School Education Department, dated 20.12.2018. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs..

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Director of School Education Department,
DPI Campus, College Road, Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Erode.

3.The District Educational Officer,
Erode.

4.The Headmaster,
Government Higher Secondary School,
Ganapathipalayam, Erode.

+1cc to Mr.R.Subramanian, Advocate sr.3000

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