



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.17640 of 2016

and

W.M.P (MD)No.12739 of 2016

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A.Jeyalakshmi

... Petitioner

Vs.

1.The Secretary,
School Education Department,
Fort St. George, Chennai.

2.The Director,
State Council for Education Research
and Training,
Chennai - 60 006.

3.The Principal,
District Institute of Education and Training,
Palayampatti - 626 112,
Virudhunagar District.

4.The Secretary,
N.R.Dass Teachers Training Institute,
Sengamalanchiarpuram - 626 130,
Thiruthangal Via.,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 to 3 to take appropriate steps to re-deploy the petitioner from the fourth respondent Institute either to the Government Teacher Education Institute or any other Government School in a suitable post and further to pay salary in a suitable post and further to pay salary and arrears of salary from 01.02.2016 till the re-deployment within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
for RR 1 to 3

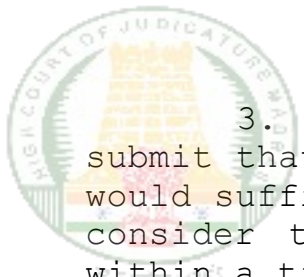
Mr.S.Venkatesh
for M/s.A.Sivaji
for R.4



ORDER

This Writ Petition is filed seeking for issuance of a writ of Mandamus, to direct the respondents 1 to 3 to take appropriate steps to re-deploy the petitioner from the fourth respondent Institute either to the Government Teacher Education Institute or any other Government School in a suitable post and further to pay salary in a suitable post and further to pay salary and arrears of salary from 01.02.2016 till the re-deployment within a time frame as fixed by this Court.

2. The case of the petitioner is that the petitioner was originally appointed as B.T Assistant in the fourth respondent Teacher Education Institute in the year 2013. In the meanwhile, the fourth respondent, vide proceedings dated 27.02.2015 communicated to the second respondent to the effect that the fourth respondent Institute has sanctioned post of Principal, Tamil Pandit, Graduate Teacher, Physical Education Teacher. Due to the non-availability of the students for the academic year 2014-2015, it was decided by the fourth respondent to close the institute in order to avoid loss of government revenue for the academic year 2015-2016. It was further stated in the communication dated 27.02.2015, the fourth respondent is a non-minority Teacher Education Institute and hence, the teachers working in the fourth respondent institute in the government sanctioned posts may be re-deployed to any government Teacher Education Institute or any Government School. To that extent, the second respondent, vide proceedings dated 10.06.2015, directed the third respondent to furnish several details after personally inspecting the fourth respondent institute and further he was directed to submit a report to the second respondent. Later on, the third respondent, vide proceedings dated 18.06.2015, the fourth respondent was required to prepare all the details and documents and to intimate the third respondent. Finally, the fourth respondent had furnished all the details and documents as required in the proceedings of the second respondent. However, the official respondents had not passed any order for re-deploying the teachers who worked in the fourth respondent Teacher Education Institute and the petitioner is one among them. For non-payment of salary and the closure of school, the petitioner is finding difficult to run his family. Thereafter, the petitioner has made a representation dated 02.09.2016 to the respondents 1 to 3 with a request to re-deploy the petitioner in any one of the aided school or in the Government School. Since no action is forthcoming, the petitioner has approached this Court by filing this writ petition.



3. Learned Counsel appearing for the petitioner would submit that though so many grounds raised in the writ petition, it would suffice if a direction is given to the respondents 1 to 3 to consider the representation of the petitioner, dated 02.09.2016 within a time frame as fixed by this Court.

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4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the fourth respondent - the Private aided Teacher Education Institute was closed and it is for the Management to re-deploy the petitioner in any one of the School. However, the representation of the petitioner will be considered in accordance with the relevant Act and Rules.

5. Heard the learned Counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Counsel appearing for the fourth respondent and perused the materials placed on record.

6. Considering the limited scope of the prayer as now sought for by the petitioner and also considering the submissions made by the learned Counsel appearing on either side, without going into the merits of the petitioner's case, the respondents 1 to 3 are directed to consider the representation of the petitioner dated 02.09.2016, on merits and in accordance with law and dispose of the same within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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



To

- 1.The Secretary,
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Virudhunagar District.
- +1 CC to MR.B.SARAVANAN, Advocate (SR-8335[F]
dated 03/03/2021)
- +1 CC to SPL GP (SR-8414[F] dated 03/03/2021)
- +1 CC to MR.A.SIVAJI, Advocate (SR-8493[F] dated
03/03/2021)

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KM (17.03.2021) 4P 7C