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W.P.No.27332 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27332 of 2022
and
W.M.P.No.26515 of 2022

A.Lydia Selvakumari

... Petitioner

Vs.

1.The Chief Educational Officer,
In the Campus of Presidency Girls Hr. Secondary School,
Egmore,
Chennai - 600 008.

2.The District Educational Officer (West),
In the Campus of DPI,
Nungambakkam,
Chennai - 600 034.

3.The Bishop & Manager of all Diocesan Schools,
CSI, Diocese of Madras,
No.226, Cathedral Road,
Chennai - 600 086.

4.The Diocesan Education Officer,
No.226, Cathedral Road,
Chennai - 600 086.

5. The Correspondent,
St.Paul's Higher Secondary School,
No.11, Church Road,
Vepery,
Chennai - 600 007.



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6.Zachariah,
In-Charge Head Master,
St.Paul's Higher Secondary School,
No.11, Church Road,
Vepery,
Chennai - 600 007.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to give re-employment of the petitioner in the post of Headmistress till the end of academic year 2022 - 2023 in the St.Paul's Higher Secondary School, Vepery, Chennai - 600 007 with all service and monetary benefits based on G.O.Ms.No.115 of 2022 dated 28.06.2022.

For Petitioner : Mr.A.Sakthivel

For Respondents : Mr.S.Yashwanth
Additional Government Pleader
for R1 and R2

Mr.A.Arul Many
for M/s.Father Xavier Associates
for R5

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to give re-employment to the petitioner in the post of Headmistress till the end of the academic year 2022 - 2023.

2. The petitioner claims that she was the Headmistress of the fifth respondent School and her date of superannuation was 31.08.2022.



According to her, in terms of the G.O.Ms.No.115 of 2022 dated 28.06.2022, she is entitled to be employed till the end of the academic year 2022 - 2023. She has given a representation on 19.09.2022 to the respondents for the said purpose. In the said representation, she has also contended that similarly placed Teachers were given re-employment by the fifth respondent School based on G.O.Ms.No.115 of 2022 dated 28.06.2022. Since the representation has not been considered till date, she has filed this Writ Petition.

3. Heard Mr.A.Sakthivel, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader for the first and second respondents and Mr.A.Arul Many, learned counsel representing M/s.Father Xavier Associates for fifth respondent.

4. Learned counsel for the fifth respondent would submit that since there are surplus teachers in the fifth respondent School, the question of granting re-employment as per G.O.Ms.No.115 of 2022 dated 28.06.2022 to the petitioner is not possible.



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5. Learned Additional Government Pleader appearing for the official respondents would also submit that G.O.Ms.No.115 of 2022 dated 28.06.2022 will not be applicable in cases where there are surplus teachers in the institution. However, learned counsel for the petitioner would submit that similarly placed teachers were given re-employment by following G.O.Ms.No.115 of 2022 dated 28.06.2022.

6. After hearing the rival submissions, this Court is of the considered view that no prejudice would be caused to the respondents, if the petitioner's representation, requesting for re-employment in terms of the G.O.Ms.No.115 of 2022 dated 28.06.2022 is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the fifth respondent to pass final orders on the petitioner's representation dated 19.09.2022 seeking for re-employment in the post of Headmistress till the end of Academic Year 2022 - 2023 in the fifth respondent School with all service and monetary benefits based on the G.O.Ms.No.115 of 2022 dated 28.06.2022 within a period of three weeks from the date of receipt of a copy of this



order.

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8. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
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ABDUL QUDDHOSE. J.,

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