



WP NO.5174 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.5174 OF 2023
AND WMP NO.5177 OF 2023

K.Punniyamoorthy

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. By the Principal Secretary to Government
Department of School Education
Secretariat, Chennai – 600 009.

2.The Commissioner

Most Backward Classes and
Denotified Communities Welfare Department
Chennai – 600 005.

3.The Head Master

Government Kallar Higher Secondary School
Theppathupatti, Dindigul District.

4.The Commissioner / Director

School Education Department
DPI Campus, College Road,
Chennai – 600 006.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 2 and 3 to relieve the petitioner from the 3rd respondent school so as to enable the petitioner to join in the Government Higher Secondary School Arakandanallur - “ Mugaiyur” Villupuram District as per the appointment order issued by the fourth respondent dated 29.08.2022.

For Petitioner : Mr.M.R.Jothimanian
for Mr.M.R.Elavarasan

For Respondents : Ms.M.Jayanthy
Additional Government Pleader

ORDER

The petitioner herein was appointed to the third respondent School as P.G. Assistant (Tamil) by the second respondent herein through his proceedings dated 12.02.2021. It is stated that there is only one P.G.Assistant (Tamil) Teacher in the third respondent School. The petitioner's provisional selection was subjected to various litigations and ultimately, the Teacher Recruitment Board had published the revised provisional selection list on 21.10.2021, whereby, he was provisionally selected in the fourth respondent Department. As per the proceedings of the fourth respondent dated 02.02.2023, the petitioner was directed to join in the said post within a period



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of six months which expires today. Since the third respondent School has not relieved the petitioner from the post, the petitioner is unable to join the fourth respondent Department and therefore, has filed the present writ petition seeking for a direction to enable him to join the fourth respondent Department.

2. The learned Additional Government Pleader on written instructions submitted that relieving the petitioner from the third respondent School will cause serious prejudice to the students who are in the middle of the academic year and since there is only one P.G. Assistant (Tamil) Teacher available in the third respondent school, they are unable to relive him from the post.

3. The fourth respondent had placed reliance on G.O.Ms.No.1502, Education Department, dated 07.11.1990 which grants time for the Teachers to join duty in the place of posting which is for a minimum period of three months and extendable upto six months alone. It is



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in this background, the fourth respondent herein had passed the order directing the petitioner to join the fourth respondent Department before the expiry of six months.

4. The stand taken by the third respondent herein also seems to be reasonable and acceptable since the education of the school children is in stake, being at the verge of their final examination. At this juncture, if the petitioner is relieved from the third respondent School, serious prejudice would be caused to the school students.

5. Taking into account of this peculiar circumstances and also the limitation on the part of the fourth respondent in extending the time in view of the maximum period of six months granted for joining under G.O.Ms.No.1502, Education Department, dated 07.11.1990, this Court is of the view that the respondents could be directed to permit the petitioner to join the fourth respondent Department after completion of the academic year of the students under the third respondent School, in order to secure justice.



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6. In the light of the above findings and observations, there shall be a direction to the fourth respondent herein to extend the time limit to the petitioner for joining the post of P.G. Assistant (Tamil) in the fourth respondent Department till **31.05.2023**.

7. The writ petition is ordered accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking order
Note : Issue order copy by today (28.02.2023)
TK



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To
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M.S.RAMESH, J.

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