



W.P.(MD)No.12570 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.12570 of 2023
and WMP(MD) Nos.10624 to 10627 of 2023

S.Muthukumar

... Petitioner

Vs

1.The Chief Educational Officer,
Tenkasi, Tenkasi District

2.The District Educational Officer,
Tenkasi, Tenkasi District

3.The Headmaster
ICI Government Boys Higher Secondary School
Tenkasi, Tenkasi District

4.The Commissioner of School Education,
DPI Campus, Chennai.

... Respondents

(4th respondent is suo motu impleaded as
respondent vide order dated 25.05.2023)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 1st respondent herein vide in Na.Ka.No.1985/Aa4/2023 dated 20.05.2023 insofar as petitioner's name as Sl.No.20 in annexure for BT Assistant Science surplus, Tenkasi District, quash



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the same and further direct the 1st and 2nd respondents herein to declare the petitioner's post as needed one in 3rd respondent school for the academic year 2023, 2024.

For Petitioner : Mr.G.Aravindan

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

By consent of both sides, the writ petition is taken up for final hearing at the stage of admission itself.

2.The writ petition has been filed to quash the impugned order of the first respondent dated 20.05.2023 insofar as petitioner's name as Sl.No.20 in annexure for BT Assistant Science surplus, Tenkasi District and further direct the 1st and 2nd respondents herein to declare the petitioner's post as needed one in 3rd respondent school for the academic year 2023, 2024.

3. Through the impugned order, dated 20.05.2023, the District Educational Officer had called for the Teachers including the petitioner herein to participate in the counselling to be held on 22.05.2023 for re-deployment of the surplus teachers.



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4. The learned counsel for the petitioner submitted that the counselling that was scheduled to be held on 22.05.2023 has been postponed and that he had also given a representation to the Commissioner of School Education on 12.05.2023 and he would be satisfied if a direction is given to consider the said representation.

5. In this background, the Commissioner of School Education, DPI Campus, Chennai, is *suo motu* impleaded as a respondent in the present writ petition.

6. In the light of the above observation, there shall be a direction to the 4th respondent to consider the representation of the petitioner dated 12.05.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

25.05.2023

NCC : Yes / No
RR

To

- 1.The Chief Educational Officer,
Tenkasi, Tenkasi District
- 2.The District Educational Officer,
Tenkasi, Tenkasi District
- 3.The Headmaster
ICI Government Boys Higher Secondary School
Tenkasi, Tenkasi District
- 4.The Commissioner of School Education,
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M.S.RAMESH, J.

RR

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