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***UFFICIO GRADUATORIE – CONCORSI – PERSONALE – ESAMI DI STATO***

Prot. n 139

Vercelli, 26/01/2016

**IL DIRIGENTE**

|  |  |
| --- | --- |
| **VISTA** | la legge n. 124/99 recante disposizioni urgenti in materia di personale scolastico; |
| **VIST0** | il D.M. n. 235/2014, concernente l’aggiornamento e l’integrazione delle graduatorie ad esaurimento del personale docente ed educativo per il triennio 2014/17; |
| **VISTO** | il D.M. n. 325 del 03 giugno 2015 che ha regolamentato, relativamente all’a.s. 2015/16, le operazioni di carattere annuale inerenti lo scioglimento delle riserve e la collocazione a pieno titolo dei candidati aventi diritto nelle graduatorie ad esaurimento, l’inclusione nell’elenco aggiuntivo dei docenti che hanno conseguito il titolo di specializzazione per il sostegno e l’inserimento dei titoli che danno diritto alla riserva dei posti (legge n. 68/99); |
| **VISTA** | la circolare del MIUR prot. n. 15457 del 20/05/2015, confermata dalla C.M. 19621 del 06/07/2015, la quale prevede che i destinatari di ordinanze cautelari favorevoli devono essere inseriti nelle graduatore ad esaurimento **con riserva,** prevedendo l’iscrizione a pieno titolo nelle graduatorie medesime solo per i destinatari di sentenze che abbiano definito nel merito la controversia; |
| **VISTO** | il decreto prot. n. 1997/C7 del 20.07.2015 di questo Ufficio, con il quale sono state pubblicate le graduatorie definitive ad esaurimento del personale docente ed educativo di ogni ordine e grado per il triennio 2014/2017 e successivi provvedimenti di modifiche ed integrazioni; |
| **VISTE** | le ordinanze del Consiglio di Stato nr. 3900/2015, nr.3901/2015 depositate in data 31/08/2015, con le quale veniva disposta l’iscrizione nelle graduatorie ad esaurimento degli appellanti, con esplicita esclusione della partecipazione degli stessi al piano straordinario di assunzione previsto dalla legge 107/2015; |
| **VISTE** | le ordinanze di ottemperanza del Consiglio di Stato nr. 5493/2015, n. 5490/2015 emesse in data 03/12/2015, che ha accolto le istanza dei ricorrenti, volte ad ottenere l’esatta esecuzione del giudizio cautelare citato al punto precedente, ovvero senza le preclusioni connesse alla formula della “ riserva” |
| **PRESO ATTO** | che le citate ordinanze nr. 5493/2015, n. 5490/2015 hanno disposto “ *l’Iscrizione dei ricorrenti nelle graduatorie di interesse senza preclusioni di sorta alla stipula dei contratti di lavoro a tempo indeterminato o determinato e fermo l’effetto risolutivo connesso all’eventuale soccombenza che dovesse risultare all’esito del giudizio di merito*” in quanto muniti del diploma magistrale conseguito entro l’anno scolastico 2001/2002; |
| **ACCERTATO** | che i ricorrenti, inseriti nell’allegato elenco, risultano beneficiari delle predette ordinanze; |
| **RITENUTO** | di dover dare esecuzione alle citate ordinanze nr. 5493/2015, nr.5490/2015 |

**DISPONE**

Per quanto esplicitato in premessa, in esecuzione delle ordinanze di ottemperanza del Consiglio di Stato n.5490/2015 depositata in data 03.12.2015 *l’Iscrizione dei ricorrenti nelle graduatorie di interesse senza preclusioni di sorta alla stipula dei contratti di lavoro a tempo indeterminato o determinato e fermo l’effetto risolutivo connesso all’eventuale soccombenza che dovesse risultare all’esito del giudizio di merito”* dei docenti indicati nell’allegato elenco , che fa parte integrante del presente provvedimento.

Quest’ufficio si riserva di emanare i provvedimenti conseguenti all’esito del giudizio di merito.

Il presente provvedimento è inviato ai Dirigenti Scolastici della provincia che, ove interessa, provvederanno ad inserire a pieno titolo i docenti nelle graduatorie di istituto di 1^ fascia di propria competenza.

Avverso il presente provvedimento è ammesso ricorso nei modi e nei termini di legge previsti dall’ordinamento vigente.

Per effetto della legge sulla privacy il presente decreto non contiene alcuni dati personali e sensibili che concorrono alla costituzione dello stesso. Agli stessi dati gli interessati o i controinteressati potranno eventualmente accedere secondo le modalità prevista dalla normativa sulla trasparenza degli atti amministrativi.

IL DIRIGENTE

Catania Antonio

firma autografa sostituita a mezzo stampa,

ai sensi dell’art.3, co. 2,

del D.Lgs 12.02.1993 n.39.

Ai Dirigenti Scolastici degli Istituti Comprensivi

della Provincia

Al Sito Web dell’Ufficio

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