



W.A(MD)No.284 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.A(MD)No.284 of 2021
and
CMP (MD) No.917 of 2021

1.The Director
Most Backward Classes/DNC Department,
Chepauk,
Chennai – 5.

2.The District Backward Classes and
Minority Welfare Officer,
Madurai District,
Collectorate, Madurai – 20.

: Appellants

Vs.

P.Sridhar

... Respondent

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No. 4427 of 2020 dated 09.03.2020.

For Appellants : Mrs.J.Saranya, Government Advocate

For Respondent : Mr.K.Sudalaiyandi



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JUDGMENT

(Judgment of the Court was made by **M.DHANDAPANI.J.**)

This Intra-Court Appeal has been filed challenging the order passed by the learned Single Judge of this Court in W.P.(MD)No.4427 of 2020, dated 09.03.2020.

2. The learned Government Advocate appearing for the appellant would submit that the respondent was appointed as a Tutor cum Warden in the year 2008 in the Government Boys Hostel, Pazhayanoor, Sivagangai District and subsequently, by order dated 29.11.2019, the second appellant permitted the respondent to retire from service on 30.11.2019 on attaining the age of superannuation. The grievance of the respondent is that he was entitled to re-employment for the academic year following his retirement. Since the said request was not considered, the respondent filed W.P.(MD) No.4427 of 2020 before this Court. This Court, by order dated 09.03.2020, disposed of the writ petition with a direction to consider the respondent's request for re-employment within a particular period.



3. The learned Government Advocate would further submit that the period for which re-employment was sought had already expired and therefore, the direction issued by this Court could not be implemented at the relevant point of time. Hence, the present appeal.

4. Per contra, the learned counsel appearing for the respondent would fairly submit that, after his retirement, the respondent was not permitted to continue in service and consequently, he could not occupy the post during the period for which re-employment was sought. Therefore, no effective relief can now be granted in his favour.

5. We have heard the learned Government Advocate appearing for the appellant and the learned counsel appearing for the respondent and perused the materials available on record.

6. Even re-employment of a teacher after attaining the age of superannuation is intended primarily to serve the academic interest of the students and to ensure continuity of the educational process. Such re-employment cannot be claimed as an automatic or vested right irrespective of the circumstances prevailing at the relevant point of time.



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7. In the present case, the petitioner was appointed as a Tutor cum Warden and the period for which he sought re-employment has already elapsed. The respondent has admittedly not occupied the post during the relevant academic period. Therefore, at this stage, no effective direction for re-employment can be issued.

8. In view of the above, the order passed by the learned Single Judge cannot be sustained and the same is liable to be set aside.

9. Accordingly, the writ appeal is allowed and the order dated 09.03.2020 passed in W.P.(MD) No.4427 of 2020 is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

[M.D.I.,J] [N.D.K.,J]

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Index: Yes/No
Internet: Yes/No
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