

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.9.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30773 of 2015

and

M.P.No.1 of 2015

S.Suseela Devi

Petitioner

vs.

- 1 Central Board of Secondary  
Education Rep by its Secretary  
PS 1-2 - Institutional Area I.P.Extn  
Patparangi Delhi 110 092  
having its Regional Office at  
Plot 1630 A "J" Block 16th Main Road  
Chennai 600 040
- 2 The Director  
Ordinance Factory Board  
Esplanade East Calcutta 700 069
- 3 The General Manager  
Heavy Vehicle Factory Avadi Chennai 600 054.
- 4 The Chairman  
HVF English Medium Educational Society  
Vijayanta Senior Secondary School  
H.V.F.Estate Avadi Chennai 600 054
- 5 The Secretary  
HVF English Medium Educational Society  
Vijayanta Senior Secondary School  
H.V.F. Estate Avadi Chennai 600 054 Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to treat the service of the petitioner as one in regular service till 13.11.2017 and pay the benefits to which she is entitled to.

For Petitioner : Mrs.V.Srimathi

For R1 : Mr.G.Nagarajan

## ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that her date of birth is 13.11.1957 and she joined service on 10.10.1979 as Record Clerk and subsequently promoted to the post of Senior Assistant and she claims to have been discharging her duties without any adverse remarks for the past 29 years. The grievance expressed by the petitioner is that the age of retirement is 60 years and attempts are being made by respondents 4 and 5 to retire her on her attaining the age of superannuation during November 2015. In this regard, she has submitted a representation dated 18.8.2015 to the fourth respondent inviting his attention to Rule 30 of CBSE Bye laws which stipulates that the age of superannuation is 60 years and if the age of superannuation falls during the academic session, the employee concerned will retire at the end of the academic session. Therefore, the petitioner would claim that she is entitled to continue in service till 30.11.2017 and expressed the apprehension that she would be made to retire during November 2015 and hence, came forward to file this writ petition.

3. Mrs.V.Srimathi, learned counsel appearing for the petitioner would contend that in a similar facts and circumstances, this court, vide orders dated 4.11.2009, 30.10.2009 and 1.7.2009 in W.P.Nos.17285 and 17266 of 2009, W.P.Nos.22059 to 22061 of 2009 and W.P.No.11878 of 2009, had granted interim relief permitting the petitioners therein to continue in service till the age of 60 years and since the petitioner is similarly placed, the same benefits may be conferred on her.

4. Heard Mr.G.Nagarajan, learned counsel who accepts notice for the Central Board of Secondary Education.

5. Rule 30 of the CBSE Bye laws reads as follows:-

"30. RETIREMENT सत्यमेव जयते

1. Notwithstanding anything contained in these rules or otherwise every employee including Head of institution shall retire from service on attaining the age of 60. However if the age of superannuation falls during the academic session, the concerned employee will retire at the end of the academic session.  
....."

6. Though the petitioner prayed for a larger relief, this court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation to respondents 4 and 5 by enclosing a copy of this order as well as copies of the similar orders referred to in the abovesaid writ petitions as well as copy of

the earlier representation within a period of one week from the date of receipt of copy of this order and respondents 4 and 5, on receipt of the same, directed to consider the same on merits and in accordance with law in the light of the abovesaid Rules and orders passed by this court and and pass order within a period of three weeks thereafter and communicate the decision to the writ petitioner and till then, further decision to retire the petitioner on attaining the age of 58 years during November 2015 shall be deferred.

7. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

ssk

s/d-  
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

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+ 1 cc to Mr.V.Raghavachari, Advocate SR 53156

vsn(co)  
prk5/10

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