



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Writ Appeal (MD) No.1209 of 2016 & C.M.P(MD)No.7971 of 2016

1.The District Elementary Educational Officer,
Kanyakumari District,
Nagercoil.

2.The Assistant Elementary Educational Officer,
Munchirai,
Puthukadi Post,
Kanyakumari District.

...Appellants/Respondents 1 & 2

-Vs-.

1.C.Saraswathi

... 1st Respondent/Writ Petitioner

2.The Corporate Manager,
R.C.Schools Diocese of Kottar,
Thedal 10/8-46C, Bridge Ward,
Near Fire Station,
Kuzhithurai,
Kanyakumari District.

3.The Correspondent,
St.Josephs Middle School,
Valanoor,
Kanyakumari District.

...Respondents 2 & 3/Respondents 3 & 4

Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 29.04.2013 made in W.P(MD)No.7294 of 2013.

Prayer in WP(MD). 7294/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of mandamus, directing the Respondents 1 and 2 herein to approve the re-employment period of the petitioner as Secondary Grade Teacher in the 4th Respondent school from 01.02.2013 to 31.05.2013, with salary and other benefits.

For Appellants

: Mr.VR.Shanmuganathan

Special Government Pleader.

For Respondent

: Mr.S.Bharathy Kannan for R1



JUDGMENT

(Judgment of the Court was delivered
by NOOTY.RAMAMOHANA RAO,J)

This Writ Appeal is preferred by the District Elementary Educational Officer, Kanyakumari District and the Assistant Elementary Educational Officer, Munchirai, Puthukadi Post, Kanyakumari District, against the order rendered on 29.04.2013, by the learned Single Judge disposing of the writ petition instituted by the first respondent-teacher/writ petitioner.

2. It appears that the first respondent/writ petitioner-teacher attained the age of superannuation sometime in January 2013 and consequently, she was to retire from service on 31.01.2013. Further, she has sought for continuation as a teacher till the end of the academic year 2012-2013, as per the policy decision of the State Government, which enables such of those teachers who attained the age of superannuation and found physically and mentally sound to continue to work for few months. There is any amount of good sense behind this decision the reason being the academic schedules will not get upset due to the retirement of the teachers half way through the academic year.

3. However, we are informed by the learned Counsel appearing for the first respondent herein/the writ petitioner teacher that the State Government has already paid the salary and allowances for the remaining period of academic year 2012-2013 and the orders to that effect, have been passed in Na.Ka.No.183/25/2013 dated 16.03.2015.

4. In that view of the matter, the cause in the writ appeal does not survive for further adjudication and even otherwise, we find no merit in the writ appeal and hence the writ appeal is dismissed. No costs. Consequently, the connected Miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

TO

1.The District Elementary Educational Officer,
Kanyakumari District,
Nagercoil.



2.The Assistant Elementary Educational Officer,
Munchirai,
Puthukadi Post,
Kanyakumari District.

+1cc to Mr.S.Bharathy Kannan, Advocate Sr.No.47056
+1cc to special Government Advocate sR.No.47280

gsr
sm:GSV-PM:07/09/2016:3P/5C

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