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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P.(MD)No.18549 of 2016

and W.M.P.(MD) No.13432 of 2016

C.Bai

... Petitioner

vs.

1)The State of Tamil Nadu,
Rep. by its Secretary to the Government,
Education Department,
Secretariat, Fort St. George, Chennai.

2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

3.The District Collector,
Tuticorin District, Tuticorin.

4.The Chief Educational Officer,
Tuticorin District, Tuticorin.

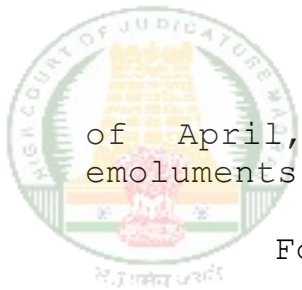
5.The District Educational Officer,
(Higher Secondary Schools),
Tuticorin District,
Tuticorin.

6.The Correspondent,
T.D.T.A. Pulamadan Chettiar National
Higher Secondary School,
Sathankulam,
Tuticorin District.

7 The Manager,
(Higher Secondary School),
Thoothukudi-Nazareth Diocese,
Thoothukudi

... Respondents

Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Mandamus, directing the
respondents to grant extension/re-employment for the petitioner
till the end of this academic year i.e. till 31.05.2017 and
further to direct the respondents to pay all other monetary
benefits including monthly salary, salary arrears from the month



of April, 2014 with all increments, allowances and other emoluments.

For Petitioner

: Mr.M.P.Sethil

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For Respondents 1 to 5

: Mr.VR.Shanmuganathan

Special Government Pleader

ORDER

This Writ of Mandamus has been filed seeking a direction to the respondents to grant extension/re-employment for the petitioner till the end of this academic year i.e. till 31.05.2017 and further to direct the respondents to pay all other monetary benefits including monthly salary, salary arrears from the month of April, 2014 with all increments, allowances and other emoluments.

2.The factual matrix leading to filing of the Writ Petition is follows:

The petitioner joined in the 6th respondent school, which is under the management of 7th respondent on 18.06.1996. The original date of birth of the petitioner is 14.09.1958. But it is wrongly mentioned as 24.03.1956 in the school records since the petitioner's parents themselves got married on 14.09.1957. Hence he made a representation dated 23.02.1998, to correct the date of birth. As it was not considered, he filed a suit in O.S.No.311 of 1998 before the Principal District Munsif, Tiruchendur, which was transferred to the file of District Munsif, Sathankulam and it was decreed on 29.01.2010, declaring the date of birth as 14.09.1958. It is his claim that he must be allowed to continue beyond 30.09.2016 ie., beyond the date of superannuation as he is working in an educational institution and as per G.O.Ms.No.1643, Education Department dated 27.10.1998 and the decision a Division Bench of this Court in **Correspondent, Secretary and Managing Trustee v. M.Rajagopalan [(2008) 1 MLJ 312]** he must be permitted to continue till the end of academic year. It is claimed that he must be permitted to continue till 31.05.2017 even though he attains the age of superannuation on 30.09.2016.

3.The learned Special Government Pleader would submit that the proposal for extension till the end of the academic year must be sent by the 7th respondent certifying that (a) the petitioner's services were satisfactory (b) no departmental proceedings is pending against him and that (c) he is physically fit to continue; the 7th respondent has not sent the same.

4.Considering the above, the 7th respondent is directed to consider the representation of the petitioner dated 23.09.2016 and



shall submit the proposal to the 4th respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same the 4th respondent is directed to consider the same on merits and in accordance with law, within a period of two weeks thereafter. Till such time, the petitioner will continue to work in the light of the G.O.Ms.No.1643, Education Department dated 27.10.1998.

6.This writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar(Record)

/True Copy/

Sub Assistant Registrar

sj

To

- 1)The Secretary to the Government,
State of Tamil Nadu,
Education Department,
Secretariat, Fort St. George,
Chennai.
- 2.The Director of School Education,
College Road,
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- 3.The District Collector,
Tuticorin District, Tuticorin.
- 4.The Chief Educational Officer,
Tuticorin District, Tuticorin.
- 5.The District Educational Officer,
(Higher Secondary Schools),
Tuticorin District, Tuticorin.

+1cc to Mr.M.P.Sethil Advocate Sr.No. 62393

JAM/08.11.16/GSV-PM/ 3p-7c

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and W.M.P. (MD) No.13432 of 2016
20.10.2016