



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Reserved on : 27.03.2018
Pronounced on : 04.06.2018
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4576 of 2018

N.Gopivathsala

... Petitioner

Vs.

1.The District Educational Officer,
District Educational Office,
Madurai.

2.The Secretary/Correspondent,
Sri Meenakshi Sundareswarar
Girls Higher Secondary School,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 & 2 to consider the petitioner's representation dated 05.01.2018 and continue her on re-employment till the end of academic year for the benefit of students.

For Petitioner : Mr.G.V.Vairam Santhosh
For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader for R.1
Mr.K.Govindarajan for R.2

ORDER

The petitioner was employed as Technical Education Teacher in the second respondent School. She became a Post Graduate Teacher (Commerce) with effect from 25.11.2014. She reached the age of superannuation on 28.02.2018. The petitioner submitted a representation dated 05.01.2018, followed by a reminder dated 27.02.2018, to the District Educational Officer, Madurai/the first respondent herein, through the second respondent for extension of her services till the end of the Academic Year.

2. The said reminder appears to have been sent by registered post on 28.02.2018. Copies of the postal receipts are enclosed in the typedset of papers, which indicates that the reminder was received on 01.03.2018. This writ petition was filed on 02.03.2018.

3. Heard the learned Counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The contention of the petitioner's Counsel is that the petitioner had served the second respondent institution without any



adverse remarks and that she is entitled to the benefit of re-employment. In paragraph 6 of the affidavit filed in support of the writ petition, as many as four Government Orders have been cited and referred to.

5. The substance of the Government Orders is that a teacher, who retires in the middle of the Academic Year shall be granted re-employment so as to continue till the end of the Academic Year. Of course, this is subject to fulfillment of the condition that the work and conduct of the teacher was satisfactory and that she is physically fit for further service and that no disciplinary proceedings are pending against the teacher. According to the petitioner, she fulfills all these three conditions. But, the petitioner was retired from service and relieved by order dated 28.02.2018.

6. The petitioner, admittedly, retired on 28.02.2018. The board exams commenced on 01.03.2018. The writ petitioner would admit in her affidavit that the Government Orders providing for re-employment were issued for the benefit of students. This is because the students should continue to study under the same teacher without any interruption in teaching. It is unfortunate that these Government Orders, which are intended to benefit the students, have been rather invoked only for the benefit of the teachers.

7. Be that as it may, the expression 'Academic Year' should be construed not as ending on 31st May, but, in relation to commencement of the regular exams. In this case, the petitioner was retained till 28.02.2018. She had no teaching function to discharge thereafter. If the petitioner had retired in January, she is probably justified in saying that she must be re-employed. But, in this case, no purpose will be served by re-employing the petitioner. The expression 'Academic Year' and 'middle of the Academic Year' will have to be purposefully interpreted. Even according to the petitioner, in her representation dated 05.01.2018, the examinations are to commence from 01.03.2018. In her representation, the petitioner has mentioned that the examinations in respect of her subjects fall on 09.03.2018 and 26.03.2018. In this background, this Court is clearly of the view that the petitioner has not made out any case for re-employment. She was rightly relieved from service with effect from 28.02.2018.

8. This writ petition is liable to be dismissed and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

The District Educational Officer,
District Educational Office,
Madurai.

WEB COPY

+1cc to M/S.K.Govindarajan, Advocate SR.No. 66631

order made in
W.P. (MD) No. 4576 of 2018
04.06.2018

gk

JM/SKN RSK/SAR 4/13.06.2018/3P/3C