



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P. [MD] .No.6896 of 2018

and

W.M.P (MD) .No.6624 of 2018

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S.Manjula

: Petitioner

Vs.

1. The Chief Educational Officer,
Dindigul District,
Dindigul.
2. The District Educational Officer,
Dindigul District,
Dindigul.
3. The Secretary cum Correspondent,
Hindu Nadar Uravin Murai Periyannayagi
Rengasamy Girls Higher Secondary School,
Nilakkottai,
Dindigul District.
4. N.Sathish Kumar,
Secretary cum Correspondent,
Hindu Nadar Uravin Murai Periyannayagi,
Rengasamy Girls Higher Secondary School,
Nilakkottai, Dindigul District.
5. The Headmistress,
Hindu Nadar Uravin Murai Periyannayagi
Regusamy Girls Higher Secondary School,
Nilakkottai,
Dindigul District.

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to pass an order of reemployment to the petitioner permitting her to continue as B.T. Assistant in Hindu Nadar Uravin Murai Periyannayagi Rengasamy Girls Higher Secondary School till the end of the academic year 2018-2019 (from 01/07/2018 to 31/05/2019).

For Petitioner
For Respondents

: Mr.T.R.Jeyapalam
: Mr.K.Saravanan
For R1 and R2
Government Advocate
Mr.C.Venkatesh Kumar
For Ajmal Associates
For R3 to R5



O R D E R

The prayer sought for in this Writ Petition is to issue a Writ of Mandamus, directing the third respondent to pass an order of re-employment to the petitioner permitting her to continue as B.T.Assistant in Hindu Nadar Uravin Murai Periyanaayagi Rengasamy Girls Higher Secondary School till the end of the academic year 2018-2019 (from 01/07/2018 to 31/05/2019)

2. Heard Mr.T.R.Jeyapalam, learned counsel appearing for the petitioner, Mr.K.Saravanan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.C.Venkatesh Kumar, learned counsel appearing for the respondents 3 to 5.

3. The short facts, which are required for the disposal of this Writ Petition, are as follows:-

3.1. The petitioner was appointed as B.T. Assistant at the third respondent school on 11.02.1987. Her appointment was approved and she has been working all these years in the said school.

3.2. The petitioner is getting superannuation on 30.06.2018. The petitioner's husband is no more. The petitioner is very hale and healthy and there is no charge memo or any disciplinary proceedings initiated or pending against the petitioner. All these years, she has put in unblemished service to the third respondent school.

3.3. While so, as per the procedure in vogue, the teacher, who gets superannuation during the middle of the academic year, namely, from first June to 31st May, can get the extension of service as a teacher in that school till the end of the academic year.

3.4. Based on the said procedure, since the petitioner is going to attain superannuation by 30th June 2018, seeking extension of her service till the end of the academic year i.e., upto 31.05.2019, the petitioner has made a representation on 08.02.2018.

3.5. Though the said representation was made to the private respondents, the same was not considered and in fact, by a letter dated 07.02.2018, the third respondent school has stated that the petitioner is only attaining the age of superannuation on 30.06.2018 and therefore, on the date of retirement alone with medical certificate, she should make a request for extension of service and therefore, the representation now made seeking such



extension of service till the end of the academic year is not proper.

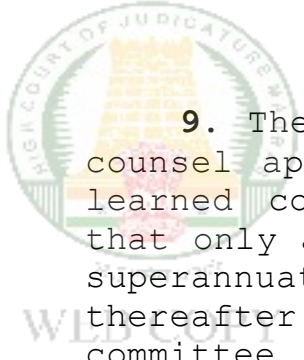
4. In view of the said stand taken by the third respondent school, the petitioner has approached this Court with this Writ Petition with the aforesaid prayer.

5. The learned counsel appearing for the respondents 3 to 5 submits that the petitioner is superannuating on 30th June 2018, which is not a middle of the academic year and if at all the petitioner wants to continue till the end of the academic year, she can make an application only at the verge of her superannuation with medical certificate and at that time, the school committee of the school would sit, deliberate and decide as to whether the petitioner can be given extension of service till the end of the academic year.

6. However, the learned counsel appearing for the petitioner would submit that there is no time limit prescribed anywhere in the Rule that a teacher, who is getting superannuation at the middle of the academic year, should make an application with medical certificate only on the date of superannuation or just before the date on which he/she gets superannuated. If belated application is made at the fag end of the superannuation, certainly, no decision could be made by the management and by thus, the teacher concerned would have no other option, except to get retired from service and thereafter, it may be a difficult process to get re-employment by way of extension of service, till the end of the academic year. That is the reason why, before the superannuation, within a reasonable time of few months, such applications are being made by the retiring teacher. That is how, the present representation has been made on 08.02.2018 by the petitioner seeking extension of service till the end of the academic year and the same has not only been considered, but has been negated by way of expressing the view of the school committee that such a representation should not have been made now and it should be made only on the date of retirement or just before such retirement.

7. The learned counsel appearing for the petitioner would submit that this attitude on the part of the private respondent school Committee would show their intention and therefore, apprehending that there may be some action in this regard, which would be detrimental to the interest of the petitioner, she has approached this Court by way of the present Writ Petition for the relief stated supra.

8. I have considered the submissions made by both sides.



9. There is a force in the arguments advanced by the learned counsel appearing for the petitioner. The reasoning given by the learned counsel appearing for the private respondents to state that only at the time of superannuation or just before the date of superannuation alone, such application shall be given and thereafter alone, the same would be considered by the school committee and a decision would be taken, may not be justifiable, for the simple reason that once the petitioner attains the superannuation, the next day, she cannot continue as a Teacher in the school, unless her service is extended by way of specific order of the management concerned, extending the service till the end of the academic year.

10. Here, in this case, there is no other legal impediment expressly available against the petitioner to reject the plea for giving extension of service till the end of the academic year. It is to be noted that the petitioner rendered unblemished service for more than three decades and the said stand is not disputed by the third respondent school. When that being the position, there is absolutely no rhyme or reason to delay or deny the request made by the petitioner seeking indulgence on the part of the management of the school committee to consider and give extension of the petitioner's service till the end of the academic year, after her superannuation on 30.06.2018.

11. In view of the above, this Court is inclined to pass the following order in this Writ Petition:-

- The request of the petitioner dated 08.02.2018 seeking extension of service till the end of the academic year i.e., upto 31st May 2019 shall be considered by the third respondent school/school committee and a decision thereon shall be taken and communicated to the petitioner on or before 30.04.2018.
- It is made clear that while taking such a decision, the third respondent school committee shall take into account the unblemished service rendered by the petitioner for all these years at the third respondent school and also must take into account the fact that there is no other legal impediment attached with the said plea of the petitioner to seek extension of service till the end of the academic year. The needful shall be done within the time stipulated above and the necessary order to be communicated to the petitioner.
- It is also made clear that once such an order is passed by the third respondent school committee, on or before 30.04.2018, a proposal shall be forwarded to the official respondents, who are the competent authorities to give formal approval of such extension and on receipt of the same, the official respondents shall pass orders granting necessary approval to such proposal for extension of service of the petitioner within a period of



12. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar

To

1. The Chief Educational Officer,
Dindigul District,
Dindigul.
2. The District Educational Officer,
Dindigul District,
Dindigul.

+1cc to M/s.Ajmal Associates, Sr.No.60671
+1cc to Mr.T.R.Jeyapalam, Advocate Sr.No.60638
+1cc to Spl.Government Pleader Sr.No.60730

NB

VB/KKR/SAR1/24.04.2018/5P/6C

**ORDER MADE IN
W.P. [MD] .No.6896 of 2018
10.04.2018**