



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.13421 of 2016

&

WMP (MD) No.10049 of 2016

P.Paul Jeyakumar

... Petitioner

Vs.

1.The District Elementary Educational
Officer,
R.M.S.Road, Madurai - 625 001.

2.The Assistant Elementary Educational
Officer,
Madurai North, Tallakulam,
Madurai - 625 002.

3.The Secretary,
Manokara Middle School,
Ayyanar Kovil 5th Street,
Sellur, Madurai - 625 002.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records in connection with the impugned order passed by the second respondent in Na.Ka.No.373/A1/2016 dated 30.06.2016 and quash the same and consequently direct the respondents No.1 and 2 to approve the re-employment of the petitioner from the period 01.07.2016 to 31.05.2017 in the third respondent school with all salary, monetary benefits and attendant benefits.

For Petitioner

: Mr.K.K.Kannan

For Respondent

: Mr.J.Gunaseelan Muthaiah,
Addl. Govt. Pleader for R1&R2

No appearance for R3

O R D E R

The writ petitioner was working as Headmaster in the third respondent school. He retired from service on 30.06.2016. The writ petitioner contends that since his retirement was during the middle



of the academic year, he should be given re-employment. The school committee also granted re-employment from 01.07.2016 to 31.05.2017. However, the second respondent by order dated 30.06.2016 rejected the representation made by the third respondent school for re-employment of the writ petitioner on the ground that there are already 20 surplus posts in the third respondent school. It is this order that is under challenge in this writ petition.

2. Heard the learned counsel on either side.

3. The impugned order states that even though there are 31 sanctioned teaching posts, considering the strength of students studying in the third respondent school, as many as 20 teachers have been rendered surplus. The total number of students studying in the said school during the relevant time was 365. 11 teachers are sufficient. Since already 20 teachers have been rendered surplus, the question of granting re-employment to the writ petitioner in the post of Headmaster will not arise.

4. The reasons assigned in the impugned order are very much tenable. The purpose of granting reemployment to the teachers who retire in the middle of the academic year is to benefit the students. No doubt, the G.O.s issued by the Government in this regard confess certain rights to the teachers who retire from service during the middle of the academic year. But, the said right cannot be perversely applied. In the present case, already 20 teachers have been rendered surplus. Therefore, the question of accepting the request of the writ petitioner will not arise.

5. There is no merit in this writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The District Elementary Educational Officer,
R.M.S.Road, Madurai - 625 001.
2. The Assistant Elementary Educational Officer,
Madurai North, Tallakulam, Madurai - 625 002.
+One c to The Special Government Pleader, SR.No.43086
+One cc to Mr.K.K.Kannan, Advocate, SR.No.42709
skm
RL/5C/2P/SV/MMS/SAR4/7/2/2018

W.P(MD)No.13421 of 2016