



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.13738 of 2013andM.P(MD).No.1 of 2013

G.Johnson

... Petitioner

-Vs-

1.The District Educational Officer,
O/o the District Educational Officer,
Nagercoil-1,
Kanyakumari.

2.The Correspondent,
The Salvation Army Higher Secondary School,
Vetturnimadam,
Nagercoil-3,
Kanyakumari District.

... Respondents

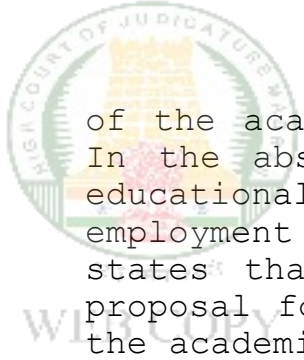
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings nil dated 26.03.2013 and quash the same as illegal in so far as denying the reemployment to the petitioner is concerned and consequentially to direct the respondents to pay salary for the period between 01.04.2013 to 31.05.2013.

For Petitioner	: Mr.C.Venkatesh Kumar for Mr.Mohmed Iman for M/s Ajmal Associates
For R1	: Mr.M.Muthu Additional Government Pleader
For R2	: Mr.H.Thayumana Swamy

O R D E R

The relief sought for in this writ petition is to direct the second respondent to allow the writ petitioner to work till the end of the academic year i.e, upto 31.05.2013 and pay salary. This apart, the order dated 26.03.2013 is also sought to be quashed.

2.This writ petitioner was employed as 'PG Assistant (History)' in the second respondent School. The writ petitioner was allowed to retire from service on 31.03.2013 on attaining the age of superannuation. However, the benefit of re-employment till the end



of the academic year had not been granted to the writ petitioner. In the absence of any such consideration by the Management, the educational authority cannot sanction any salary for the re-employment period. The District Educational Officer, Nagercoil, states that the Management of the school had not submitted any proposal for re-employment or retention of service till the end of the academic year. In the absence of any such proposal, the case of the petitioner cannot be considered.

3.This Court is of an opinion that the re-employment is a concession and can never be claimed as a matter of right. Re-employment is provided to the teachers till the end of the academic year based on certain terms and conditions. If a teacher is facing some proceedings or if his conduct is not satisfactory, then the authorities competent to empower to deny re-employment or extension of service till the end of the academic year. Thus, the very claim of the writ petitioner for re-employment is not supported the any material on record.

4.This apart, even at the time of filing of the writ petition, the petitioner was aged about 59 years and now, he would be around 64 years. This being the factum of the case, there is no reason to consider the other grounds raised in this writ petition.

5.Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To
The District Educational Officer,
O/o the District Educational Officer,
Nagercoil-1, Kanyakumari.

+1CC to Mr.H.Thayumanavaswamy, Advocate, SR.No. 49972

+1CC to the Special Government Pleader SR.No.50278

W.P.(MD)No.13738 of 2013

and

M.P(MD) .No.1 of 2013

20.02.2018

skn

AM/KKR/SAR 4/03.04.2018/2P/4C