



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.9985 of 2011

R.Seethalakshmi

... Petitioner

Vs.

1.The Chief Educational Officer,
Madurai District,
Madurai 625 002.

2.The Headmaster,
Government High School,
Therkkutheru,
Madurai District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st respondent in his proceedings Na.Ka.No.9549/A6/2009, dated 22.12.2010 and quash the same as illegal and consequently, direct the 1st respondent to pay the petitioner salary for the re-employment period from 01.10.2009 to 31.05.2010 along with attendant monetary benefits with interest within the period that may be stipulated by this Court.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mrs.S.Srimathi, Spl.G.P.

O R D E R

The petitioner has come forward with the present Writ petition to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent vide proceedings Na.Ka.No.9549/A6/2009, dated 22.12.2010 and quash the same as illegal and consequently, direct the first respondent to pay salary for the re-employment period from 01.10.2009 to 31.05.2010 along with attendant monetary benefits with interest within a time frame.

2.The petitioner, who was working as a Teacher, has retired from service on 30.09.2009. Even though his date of retirement was 30.09.2009, he should have been permitted to work till 31.05.2010. <https://hcservices.ecourts.gov.in/hcservices/> however, he was not permitted to do so. Hence, he is before this Court with the present Writ petition for the aforesaid prayer.



3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. In catena of the judgments of the Hon'ble Supreme Court held that if the retirement date of a Teacher falls on the middle of the academic year, the said Teacher should be permitted to continue to work till the end of the academic year ie., till 31st May.

5. In such view of the matter, the petitioner should be permitted to continue in service till 31.05.2010. Since it is not possible to reinstate the petitioner into service, by providing reemployment as Teacher at present, he would be entitled to get wages from 01.10.2009 to 31.05.2010. Hence, the first respondent is directed to sanction salary for the above said period in accordance with law and disburse the same to the petitioner, within a period of two months from the date of receipt of a copy of this order. The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Chief Educational Officer,
Madurai District,
Madurai 625 002.

2. The Headmaster,
Government High School,
Therkkutheru,
Madurai District.

+1cc to Mr. M. E. Ilango, Advocate, Sr. No. 79048.

+1cc to Special Government Pleader, Sr. No. 79106.

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nbj

RAM-KK/RP/SAR 2/10.12.2018/2P/5C