

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.6187 of 2013
and
MP No.1 of 2013

Dr.P.P.V.Marie Theresa

.. Petitioner

.Vs.

- 1.The Central Board of Secondary Education,
Repd by its Secretary,
PS-1-2-Institutional Area, I.P.Extn,
Patparangi, Delhi-110092.
Having its regional Office at
Plot.1630 A,"J" Block, 16th Main Road,
Anna Nagar, West, Chennai-40.
- 2.The Director General,
Ordinance Factory Board,
Esplanade East, Calcutta-700 069.
- 3.The General Manager,
Heavy Vehicle Factory,
Avadi, Chennai-54.
- 4.HVF English Medium Educational Society,
Repd by its Secretary,
Vijayanta Senior Secondary School,
Near EME Lines, HVF Estate,
Avadi, Chennai-54.
- 5.The Chairman,
Vijayanta Senior Secondary School,
HVF Estate,
Avadi, Chennai-54.

6.The Secretary,
Vijayanta Senior Secondary School,
HVF Estate,
Avadi, Chennai-54.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to treat the service of the petitioner in service till 22nd of June 2015 and continue her service till the completion of the academic 2016 together with all consequential benefits arising out of such employment.

For Petitioner : Ms.V.Srimathi

For Respondents : Mr.N.Rajan, SCGSC
2 to 6

O R D E R

The writ petition is one for a Writ of Mandamus, to direct the 2nd respondent to treat the service of the petitioner till 22.06.2015 and continue her service till the completion of the academic year 2015- 2016 together with all consequential benefits arising out of such employment.

2.The petitioner is a teacher in Vijayanta Secondary School, Avadi, Chennai. The said school is affiliated to CBSE. Under the service rules of CBSCE, a teacher retires at the age of 60. The petitioner's date of birth is 22.06.1955, and therefore the, petitioner is entitled to continue in service till March 2016. Since the respondents wanted to retire the petitioner at the age of 58, she has therefore filed the instant writ petition to permit her to continue till the age of 60.

3.This Court by an order dated 27.06.2013, granted an interim order in favour of the petitioner to continue the service of the petitioner still she reaches the age of 60. The petitioner also wanted the same relief as 60 years is retirement age. In a similar case, this Court by an order dated 17.07.2014 in WP.Nos.5182 to 5184 of 2014, passed the following Order:

"The relief sought for in this writ petitions are for a direction to direct the respondents to treat the service of the petitioners on and from 01.05.2014 to 31.03.2017

as one in regular service and pay the benefits.

2.The learned counsel appearing on behalf of the writ petitioners now brought to the notice of this Court that the writ petitioners were allowed to continue in service, pursuant to the interim order granted by this Court on 25.02.2014 and now, the writ petitioners were retired from service on attaining the age of 60 years on 31.03.2017.

3.Thus, no further adjudication is required in these writ petitions. Accordingly, these writ petitions stand closed. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs".

4.The petitioner is therefore identically placed like the petitioners in W.P.Nos.5182 to 5184 of 2014 dated 17.07.2018 and therefore, she deserves the benefit of the same order passed by this Court. In view of the above, the writ petition is allowed. Since the petitioner has worked up to 60 years, the benefits shall be calculated accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Secretary,
Central Board of Secondary Education,
PS-1-2-Institutional Area, I.P.Extn,
Paparangi, Delhi-110092.
Having its regional Office at
Plot.1630 A,"J" Block, 16th Main Road,
Anna Nagar, West, Chennai-40.

2.The Director General,
Ordinance Factory Board,
Esplanade East, Calcutta-700 069.

3.The General Manager,
Heavy Vehicle Factory,
Avadi, Chennai-54.

4. The Secretary,
HVF English Medium Educational Society,
Vijayanta Senior Secondary School,
Near EME Lines, HVF Estate,
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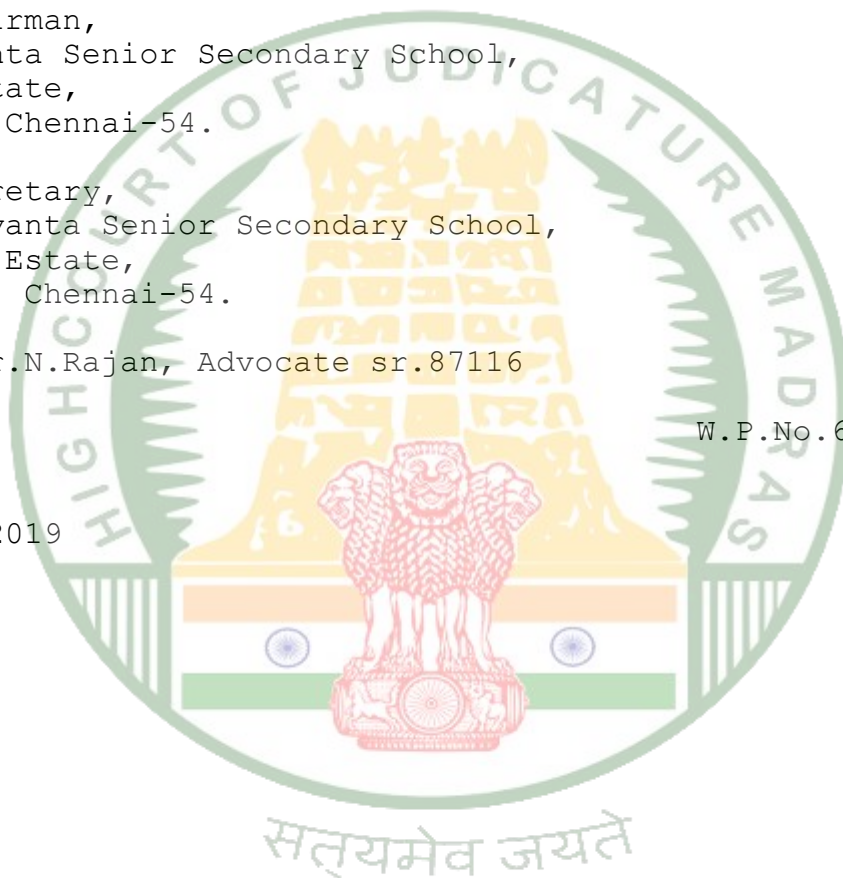
5.The Chairman,
Vijayanta Senior Secondary School,
HVF Estate,
Avadi, Chennai-54.

6.The Secretary,
Vijayanta Senior Secondary School,
HVF Estate,
Avadi, Chennai-54.

+1cc to Mr.N.Rajan, Advocate sr.87116

W.P.No.6187 of 2013

ssd(co)
nr 17/12/2019



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