

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.02.2019

C O R A M
THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

WP.No.2459 of 2018
and WMP.Nos.2997 to 2999 of 2018

D.Gopalakrishnan

...Petitioner

Vs.

1. The State of Tamil Nadu
Rep. By its Secretary
Department of School Education
Fort St.George, Chennai - 600 009.

2. The Director of School Education
College Road, Chennai - 600 006.

3. The Chief Educational Officer
Coimbatore, Coimbatore District

4. The Headmaster
A.A.Muthu Kowndar Government
Higher Secondary School
Annoor - 641 653
Coimbatore District.

...Respondents

PRAYER

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari and Mandamus to call for all the records relating to the impugned proceedings issued by the 3rd respondent CEO issued impugned proceedings in Mu.Mu.No. 4374/Aa3/2017-1 dated 31.07.2017 and the consequential proceedings issued by 4th respondent Headmaster (relieving me from service w.e.f., 30.06.2017) vide Na.Ka.No.118/A1/2017 dated 02.08.2017 and, quash the same, and further direct the respondents herein to permit the petitioner forthwith to continue in service as BT Assistant (History) under re-employment in the 4th respondent school till the end of the academic year 2017-2018 i.e., upto 31.05.2018 with all attendant benefits.

For Petitioner : Ms.H.Mary Sowmi Rexi
for M/s.Issac Chambers

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader.

O R D E R

The order of rejection denying the benefit of re-employment to the writ petitioner is under challenge in the present writ petition.

2. Admittedly, the writ petitioner attained the age of superannuation on 30.06.2017 and accordingly, the Chief Educational Officer, Coimbatore directed the authorities to relieve the writ petitioner from service on 30.06.2017.

3. The learned counsel for the writ petitioner states that the petitioner submitted an application seeking the benefit of re-employment and the application was forwarded to the authorities concerned. However, no order has been passed, granting permission to continue the writ petitioner under the scheme of re-employment.

4. This Court is of an opinion that re-employment is a concession provided especially to the teaching faculty of the Education Department. Thus, such a concession can never be claimed as a matter of right. Concession is granted subject to the fulfilment of the criteria, even unsatisfactory service is a ground to deny the benefit of re-employment. This apart, if the concession is not granted to the employee, it would not constitute any legal right to claim the benefit of re-employment as a matter of right. This being the legal principles, this Court is of an opinion that the writ petitioner was allowed to retire from service on 30.06.2017 and now, the learned counsel for the writ petitioner states that the petitioner has continued his service till July 2017. Such facts deserves no further consideration for the benefit of re-employment and the writ petitioner has not served till the end of the academic year. This being the factum of the case, no further adjudication needs to be adjudicated in respect of the grounds raised in the present writ petition.

5. Accordingly, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Secretary
State of Tamil Nadu
Department of School Education
Fort St.George, Chennai - 600 009.

2.The Director of School Education
College Road, Chennai - 600 006.

3.The Chief Educational Officer
Coimbatore, Coimbatore District

4.The Headmaster
A.A.Muthu Kowndar Government
Higher Secondary School
Annoor - 641 653
Coimbatore District.

+lcc to M/s.Isaac Chambers, Advocate, S.R.No.10694

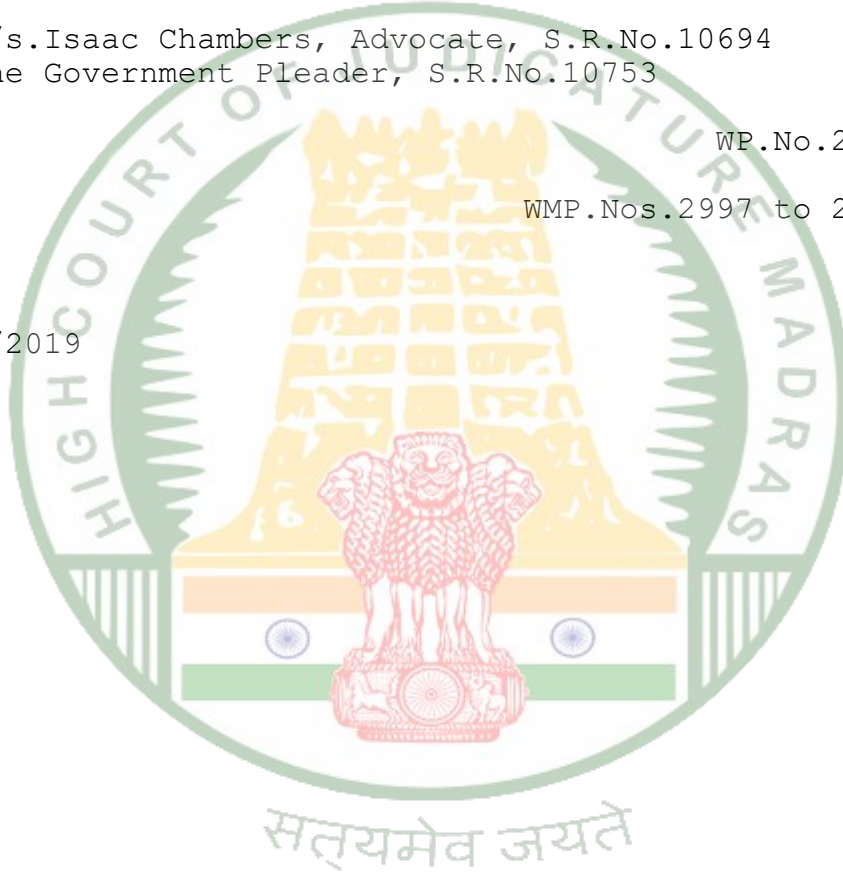
+lcc to the Government Pleader, S.R.No.10753

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VBA(CO)

rrs 08/03/2019



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