

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.P.Nos.7894, 8387, 8388, 8389, 8391, 8392,
8393, 8394, 8395, 8396, 8397, 8398, 8399, 8400,
8401, 8402, 8403, 8404 and 8405 of 2020
and connected Miscellaneous Petitions

B.Jeyanthi	..Petitioner in WP.No.7894 of 2020
K.Meenarani	..Petitioner in WP.No.8387 of 2020
R.Rajamani	..Petitioner in WP.No.8388 of 2020
S.Alagesan	..Petitioner in WP.No.8389 of 2020
G.Thiyagarajan	..Petitioner in WP.No.8391 of 2020
Madurai Muthu	..Petitioner in WP.No.8392 of 2020
SivaSubramanian	..Petitioner in WP.No.8393 of 2020
M.Charles	..Petitioner in WP.No.8394 of 2020
G.Vijayaraghavan	..Petitioner in WP.No.8395 of 2020
R.Gowthaman	..Petitioner in WP.No.8396 of 2020
R.Boopathy	..Petitioner in WP.No.8397 of 2020
V.Duraisamy	..Petitioner in WP.No.8398 of 2020
S.Indrani	..Petitioner in WP.No.8399 of 2020
U.Madayan	..Petitioner in WP.No.8400 of 2020
P.Maheswari	..Petitioner in WP.No.8401 of 2020
N.Kumar	..Petitioner in WP.No.8402 of 2020
C.Sakunthala	..Petitioner in WP.No.8403 of 2020
M.Petchiammal	..Petitioner in WP.No.8404 of 2020
P.Kanmani	..Petitioner in WP.No.8405 of 2020

Vs.

1. The State of Tamil Nadu,
The Chief Secretary to Government,
Personnel and Administrative Reforms (S) Department,
Secretariat, Chennai - 9
2. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Department of School Education , Secretariat,
Chennai - 9.

3. The Commissioner of School Education,
O/o. The Commissioner of School Education DPT,
DPI Campus, College Road, Chennai - 06
4. The Director of School Education (Higher Secondary)
O/o. School Education Department,
DPI Campus, College Road, Chennai - 06
5. The Chief Educational Officer,
O/o. The Chief Educational officer,
Ariyalur District, Ariyalur.

State of Tamil Nadu, The Chief Secretary
to Government Personnel and Administrative
Reforms(S) Department, Secretariat,
Chennai-09

..1st Respondent in WP.Nos.8387
to 8389 of 2020,8391,8392,8393,
8394,8395,8396,8397,8398,8399 to
8405/2020

State of Tamil Nadu rep by its Principal
Secretary to Government, Department of School Education
Secretariat, Chennai-09

...2nd Respondent in WP.Nos.8387
of 2020,8389,8391,8392,8393,8394,
8395,8396,8397,8398/2020

The Director of Elementary Education
O/o.The Director of Elementary Education
DPI Campus, Chennai-06

..3rd Respondent in WP.8387 of 2020

The District Educational Officer
O/o.The District Educational Officer

Namakkal District, Namakkal ..4th Respondent in WP.No.8387/2020

The Block Educational Officer
O/o.The Block Educational Officer
Erumapatti, Namakkal District

..5th Respondent in WP.No.8387 of 2020

The Headmaster, Panchayat Union
Primary School, Varatharajapuram
Namakkal District

...6th Respondent in WP.8387 of 2020

State of Tamil Nadu rep by its
Chief Secretary to Government
Department of School Education
Secretariat, Chennai-09 ...2nd Respondent in WP.Nos.8388 of 2020
8399 to 8405/2020

The Commissioner of School Education
O/o.The Commissioner of School Education
DPT DPI Campus College Road,
Chennai-600 006 ...3rd Respondent in WP.Nos.8388 of 2020
8391,8399 to 8405 of 2020

The Director of School Education
(Higher Secondary)
O/o The School Education Department
DPI Campus College Road, Chennai 600 006
...4th respondent in WP.Nos.8388 of 2020
8391,8399 to 8405 of 2020

The Chief Educational Officer
O/o.The Chief Educational Officer
Coimbatore District ...5th Respondent in WP.No.8388 of 2020

The Headmaster Government High School
Pannimalai, Coimbatore District
...6th Respondent in WP.No.8389 of 2020

The Joint Director of School Education
O/o.The Joint Director of School Education
(Employees Section) DPI Campus
College Road,
Chennai-600 006 ...3rd Respondent in WP.No.8389 of 2020

The District Educational Officer
O/o.The District Educational Officer
Ariyalur, Ariyalur District
...4th Respondent in WP No.8389 of 2020

The Chief Educational Officer
O/o.The Chief Educational Officer
Ariyalur District ...5th Respondent in WP.No.8391 of 2020
...4th Respondent in WP.No.8394 of 2020
...4th Respondent in WP.No.8395 of 2020

The Headmaster, Karupoiyur Government
Higher Secondary School, Karu-Poiyur
Ariyalur District ...6th Respondent in WP.No.8391 of 2020

The Director of School Education
College Road, Chennai-06 ...3rd Respondent in WP.Nos.8392
8393,8394,8395,8396,8397,8398/2020

The Chief Educational Officer
Salem District, Salem ...4th Respondent in WP.Nos.8392/2020
5th Respondent in WP.Nos.8399 to
8401 of 2020

The Chief Educational Officer
Cuddalore District, Cuddalore
...4th Respondent in WP.No.8393/2020

The Chief Educational Officer
Namakkal District ...4th Respondent in WP.nos.8396,
8397 & 8398 of 2020

The Block Educational Officer
O/o.the Block Educational Office
Mathur, Krishnagiri District
...5th Respondent in WP.No.8400/2020

The Chief Educational Officer
O/o.the Chief Educational Officer,
Krishnagiri District ...5th Respondent in WP.No.8402 of 2020

The Block Educational Officer
O/o.the Block Educational Office,
Annapettai Block Erode District
...5th Respondent in WP.8404 of 2020

The Block Educational Officer
O/o.the Block Educational Office
Anthiyur Union,
Erode District ...5th Respondent in WP.No.8405 of 2020

Prayer in WP.7894 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, call for the entire records connected with the impugned G.O.(Ms)No.51 dated 07.05.2020, the Personnel and Administrative Reforms (S) Department issued by the 1st Respondent and the Consequential letter No.11308/S/2020-1, dated 14.05.2020 issued by the 1st Respondent in so far as it restricts the Teachers to those who are in regular service as on date and due to retire on superannuation on 31.05.2020 is concerned and quash the same consequently to direct the Respondents to extend the retirement age of the petitioner from 58 years to 59 years

in terms of G.O.(Ms)No.51 dated 07.05.2020.

Common Prayer in WP.Nos.8387 to 8391 of 2020:These Writ Petitions filed under Article 226 of Constitution of India praying to issue a any Writ, Order or Direction in the nature of Writ of Certiorarified Mandamus call for the entire records connected with the impugned G.O.(MS)No.51 dated 07.05.2020, the Personnel and Administrative Reforms(S) Department issued by the 1st Respondent and the subsequent letter No.11308/S/2020-1, dated 14.05.2020 issued by the 1st Respondent in so far as it restricts the Teachers from getting the extension of service benefit who attained the age of 58 years/Superannuation on or before first day of May 2020 is concerned and quash the same consequently to direct the Respondents to extend the retirement age of the petitioner from 58 years to 59 years in terms of G.O.(MS).No.51 dated 07.05.2020.

Common Prayer in WP.Nos.8392 to 8395 of 2020:These Writ Petitions filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of writ to call for the records in pursuant to the impugned orders passed by the 1st Respondent in G.O.Ms.No.51.

Prayer in WP.Nos.8396 to 8398 of 2020:Writ Petitions filed under Article 226 of Constitution to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ, Calling for the records pertaining to the order passed by the 1st Respondent in G.O.Ms.No.51, Personnel and Administrative Reforms (S) Department, dated 07.05.2020 and Quash the same, in so far as it denies the benefit of increasing the age of Superannuation from 58 years to 59 years to the writ petitioner is concerned, and direct the Respondents to extend the benefit of G.O.Ms.No.51, Personnel and Administrative Reforms(S) Department, dated 07.05.2020 to the petitioner so as to enable the petitioner to continue in service till attaining age of 59 years.

WP.Nos.8399 to 8405 of 2020:This Writ Petition filed under Article 226 Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of writ calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in G.O.Ms.No.51 Personnel and Administrative Reforms(S) Department dated 07.05.2020 in so far as it restricts to those who are in regular service as on date and due to retire on superannuation from 31.05.2020 and consequential impugned order passed by the 1st respondent in his proceedings in Letter

No.11308/S/2020-I dated 14.05.2020 and quash the same as illegal and consequently to direct the respondents to extend the retirement age of the petitioner from 58 years to 59 years in terms of the G.O.Ms.51 Personnel and Administrative Reforms(S) Department dated 07.05.2020.

For Petitioner : Mr. K.Thilageshwaran

For Petitioners in W.P.Nos:7894,

8387 to 8389 & 8391 of 2020

Mr.M.Saravanakumar

For Petitioners in W.P.Nos: 8392 to

8395 of 2020

S.Panneerselvam For Petitioners in

W.P.Nos: 8396 to 8398 of 2020

Mr.Ajmal Knan Senior Advocate for

M/s.Ajmal Associates for petitioners in

W.P.No:8399 to 8405 of 2020

For Respondents : Mr.Vijay Narayan, Advocate General

Assisted by Mr.S.Thangavel

Special Government Pleader for R1& R2

Mr. Arvind Pandian,

Additional Advocate General

Assisted by Mr.C.Munusamy,

Special Govt. Pleader Education for R3 to R5

COMMON ORDER

This matter is taken up for hearing through Video-Conferencing.

2. All these Writ Petitions have been filed by Teachers, who had attained the superannuation on the respective dates shown in the Tabular Column:

Writ Nos.	Petition Name of the Petitioner	Date Superannuation of
7894/2020	B.JEYANTHI	31.03.2020
8387/2020	MEENARANI	31.01.2020
8388/2020	R RAJAMANI	31.01.2020
8389/2020	S.ALAGESAN	31.08.2019
8391/2020	G.THIYAGARAJAN	30.09.2019
8392/2020	MADURAI MUTHU	30.04.2020

8393/2020	SIVASUBRAMANIAN	31.03.2020
8394/2020	CHARLES	30.04.2020
8395/2020	G.VIJAYARAGHAVAN	30.04.2020
8396/2020	GOWTHAMAN	30.04.2020
8397/2020	R.BOOPATHY	30.04.2020
8398/2020	V.DURAISAMY	30.04.2020
8399/2020	S.INDRANI	30.04.2020
8400/2020	MADAYAN	29.02.2020
8401/2020	P.MAHESWARI	30.06.2019
8402/2020	N.KUMAR	30.04.2020
8403/2020	C.SAKUNTHALA	29.02.2020
8404/2020	M.PETCHIAMMAL	30.04.2020
8405/2020	P.KANMANI	30.04.2020

Contending that they are also entitled to the benefits of G.O.Ms.No.51 dated 07.05.2020 they seek issuance of a writ of mandamus as aforesaid. It is not in dispute that all the petitioners have attained the age of superannuation prior to the cut off date and have been re-employed in terms of G.O.249 dated 09.02.1959 till the end of the academic year i.e. Up to 31-05-2020.

3. In similar Writ Petitions, viz. WP No.6442 of 2020 batch, the Madurai Bench of this Court, after exhaustive consideration of the law on the entitlement of the petitioners to the benefits of the said Government Order, has held that the petitioners are not entitled to benefits of G.O.Ms.51 dated 07.05.2020. As a result, all the Writ Petitions have been dismissed. The order of the Hon'ble Mr.Justice C.V.Karthikeyan, has also been made available.

4. In view of the same, I do not see any reason to entertain these Writ Petitions. These Writ Petitions are also dismissed accordingly.

5. The directions issued by the Madurai Bench of Madras High Court, with reference to payment of retirement benefits shall also apply to the petitioners herein. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jv

To

1. The State of Tamil Nadu,
The Chief Secretary to Government,
Personnel and Administrative Reforms (S) Department,
Secretariat, Chennai - 9
2. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Department of School Education, Secretariat,
Chennai - 9.
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O/o. The Commissioner of School Education DPT,
DPI Campus, College Road, Chennai - 8.
4. The Director of School Education (Higher Secondary)
O/o. School Education Department,
DPI Campus, College Road, Chennai - 8.
5. The Chief Educational Officer,
O/o. The Chief Educational officer,
Ariyalur District, Ariyalur.
6. The Chief Secretary to Government
Department of School Education Secretariat
Chennai-09
7. The Director of Elementary Education
O/o. The Director of Educational Education
DPI Campus Chennai-06

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O/o.The District Educational Officer
Namakkal District Namakkal

9.The Block Educational Officer
O/o.The Block Educational Officer
Erumapatti, Namakkal District

10.The Joint Director of School Education
O/o.The Joint Director of School Education
(Employees Section) DPI Campus
College Road, Chennai-06

11.The District Educational Officer
O/o.The District Educational Officer
Ariyalur Ariyalur District

12.The Chief Educational Officer
O/o.The Chief Educational Officer
Ariyalur, Ariyalur District

13.The Director of School Education
College Road, Chennai-6

14.The Chief Educational Office
Cuddalore District, Cuddalore

15.The Chief Educational Officer
Namakkal District

16.The Chief Educational Officer
O/o.The Chief Educational Officer
Coimbatore District

17.The Block Educational Officer
O/o.The Block Educational Office
Erode District

18.The Chief Educational Officer
Salem District Salem

19.The Block Education Officer
O/o.the Block Educational Office
Mathur, Krishnagiri District

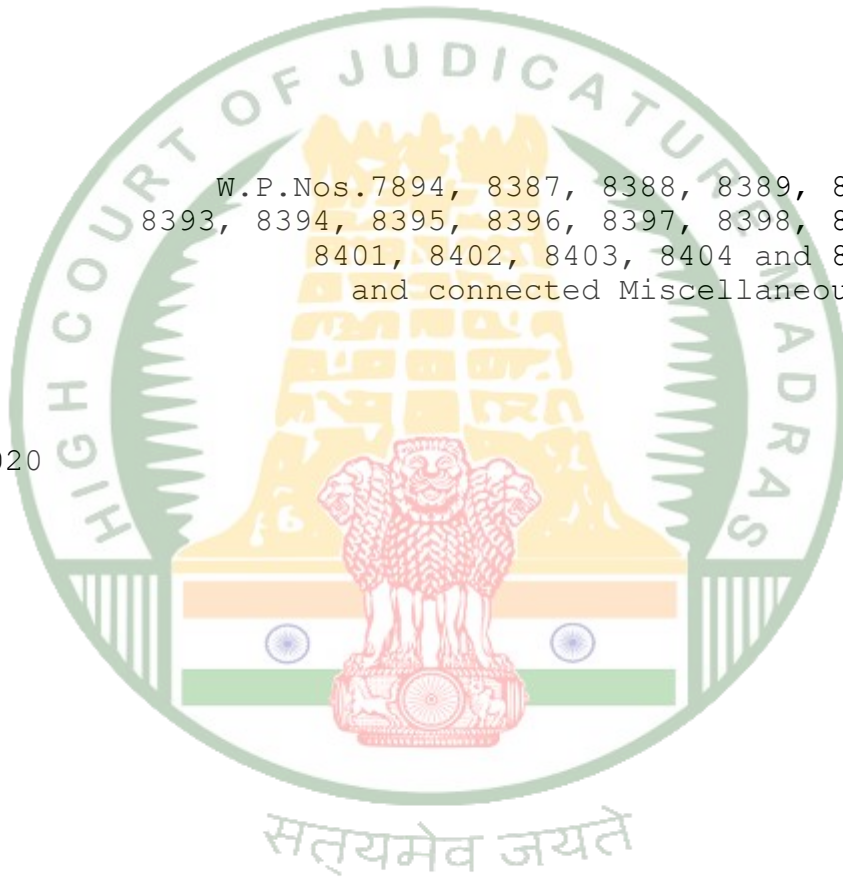
20.The Chief Educational Officer
O/o.The Chief Educational Office
Krishnagiri District

21.The Block Educational Officer
O/o.The Block Educational Office
Ammapettai Block Erode District

22.The Block Educational Officer
O/o.The Block Educational Office
Anthiyur Union, Erode District

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and connected Miscellaneous Petitions

rjl(co)
aa09/10/2020



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