

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.8161 of 2020
and WMP Nos.9705 and 9706 of 2020

B.Pitchandi

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Chief Secretary to Government,
Personnel & Administrative Reforms (S) Department,
Secretariat,
Chennai - 9.
 2. The State of Tamil Nadu,
Rep. By its Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.
 3. The Commissioner of School Education,
O/o. The Commissioner of School Education Department,
College Road,
Chennai - 6.
 4. The Director of School Education,
O/o. The School Education Department,
College Road, Chennai - 6.
 5. The Chief Educational Officer,
O/o. The Chief Educational Office,
Thiruvannamalai,
Thiruvannamalai District.
 6. The Block Educational Officer -2,
Annakavur Block,
Annakavur,
Thiruvannamalai.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent 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/2020-1 dated 14.05.2020, culminating into the impugned relieving order made by the 6th respondent herein in his proceedings in Na.Ka.No.661/A2/2019 dated 30.05.2020, and quash the same as illegal and consequently to direct the respondents herein to extend the benefits of the G.O.Ms.No.51, Personnel and Administrative Reforms (S) Department dated 07.05.2020 by extending the retirement age of the petitioner from 58 years to 59 years.

For Petitioner : Mr.D.Ravichander

For Respondents: Mr.Vijay Narayan, Advocate General
Assisted by Mr.S.Thangavel
..Special Government Pleader for R1

Mr.Vijay Narayan, Advocate General
Assisted by Mr.E.Manokaran

Spl. Govt. Pleader for Higher Education

Mr. Arvind Pandian,
Additional Advocate General
Assisted by Mr.C.Munusamy,
Special Govt. Pleader for Education

ORDER

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

2. This Writ Petition has been filed by the petitioner/Teacher, who had attained the superannuation on 30.06.2019 contending that he is also entitled to the benefits of G.O.Ms.No.51 dated 07.05.2020 seeking issuance of a writ of mandamus as aforesaid. It is not in dispute that the petitioner had attained the age of superannuation prior to the cut off date and has 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 similarly placed persons to the benefits of the said Government Order, has held that they 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 this Writ Petition. The Writ Petition is accordingly dismissed.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Chief Secretary to Government,
The State of Tamil Nadu,
Personnel & Administrative Reforms (S) Department,
Secretariat,
Chennai - 9.
2. The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai - 9.
3. The Commissioner of School Education,
O/o. The Commissioner of School Education Department,
College Road,
Chennai - 6.
4. The Director of School Education,
O/o. The School Education Department,
College Road, Chennai - 6.
5. The Chief Educational Officer,
O/o. The Chief Educational Office,
Thiruvannamalai,
Thiruvannamalai District.
6. The Block Educational Officer -2,
Annakavur Block,
Annakavur,
Thiruvannamalai.

W.P.No.8161 of 2020 and
WMP Nos.9705 and 9706 of 2020

SVI (CO)
CB(31/07/2020)