

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.8176 of 2020
and WMP Nos.9728,9729 and 9730 of 2020

B. Kumar Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. By its Chief Secretary,
Personnel and Administrative Reforms (S) Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer Vellore.
4. The Headmaster,
Government. Hr. Secondary School,
Valapandal, Ranipet District. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for Writ of Certiorarified Mandamus, to call for the records, relating to G.O.(MS) No. 51 dated 07.05.2020 (Personnel and Administrative reforms(S) Department) passed by the 1st respondent in so far as it restricts those who are in regular service as on date and due to retire on superannuation from 31.05.2020 and consequently impugned order passed by the 1st respondent in his proceedings No.11308/S/2020-I dated 14.03.2020 and quash the same and further direction, directing the respondents to increase the retirement age of the petitioner from 58 years to 59 years in terms of G.O.(Ms)No.51 dated 07.05.2020 (Personnel and Administrative Reforms (S) Department).

For Petitioner : Mr.R.Saravanakumar

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(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary,
The Government of Tamil Nadu,
Personnel and Administrative Reforms (S) Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer Vellore.
4. The Headmaster,
Governmentt. Hr. Secondary School,
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srg 03/08/2020

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