

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 01.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.2264 of 2012

R.Porkodi Sundari

... Petitioner

Vs.

1. Central Board of Secondary Education
Repd by its Secretary
PS-1-2-Institutional Area, I.P. Extn.
Patparangi, Delhi - 110 092.
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 Secretary
Vijayanta Senior Secondary School
Near EmE Lines, HVF Estate
Avadi, Chennai - 54.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to treat the service of the petitioner on and from

10.03.2012 till 30.03.2014 as one in regular service and pay the consequential benefits which she is entitled to as a regular teacher.

For Petitioner : Mr.V.Raghavachari
For Respondents 2 to 5 : Mr.K.Gunasekar
SPCCG

ORDER

The prayer sought for in this writ petition is to issue a writ of mandamus directing the respondents to treat the service of the petitioner on and from 10.03.2012 till 30.03.2014 as one in regular service and pay the consequential benefits which she is entitled to as a regular teacher.

2.The petitioner was working as a Teacher at the fourth respondent School. The controversy which arose at the time of filing the writ petition was that, whether the superannuation of the Teacher working in that School is at 58 years or 60 years. In this regard, though it is submitted by the learned counsel appearing for the petitioner that, the issue has been settled by this Court, accordingly, the Teachers would be entitled to get service upto 60, in other words, the superannuation of the age of the Teacher would be 60 years, during the pendency of the writ petition by virtue of the interim order granted by this Court, it seems that, the petitioner had completed the service upto 60 years and on superannuation, retired from service only in the year 2014.

3.In this context, Mr.K.Gunasekar, learned Senior Standing Counsel appearing for the respondents 2 to 5, on instruction, would submit that, during the pendency of the writ petition, by virtue of the interim order itself, and subsequent orders passed by this Court in connected writ petitions, the petitioner was allowed to work till she attains the age of 60, accordingly, worked upto 60 years and on completion of the 60 years i.e., the superannuation, she retired from service.

4.In view of the said factor, which has been brought to the notice of this Court by the learned Senior Standing Counsel appearing for the respondents that, the petitioner had worked in the fourth respondent School upto the age of 60 i.e., upto 30.03.2014, definitely the period sought for herein from 10.03.2012 to 30.03.2014 is covered, under which, the petitioner had already worked. Therefore, by taking into account of that period also, whatever be the service benefits, which are accrued on the petitioner or for which, the petitioner is eligible to, that would be calculated and be extended if not already extended to the petitioner.

5. With these observations and recording the aforesaid development, as has been brought to the notice of this Court by the learned counsel appearing for both sides, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Central Board of Secondary Education
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+1 CC to Mr.V.Raghavachari, Advocate sr 12635.

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PMK (CO)
SP(17/03/2021)