



W.P.No.4632 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.4632 of 2004 and WMP No.5449 of 2004

1.V.Soundaram (deceased)
2.S.Kannappan
3.KR.Sendivadivelu
4.Kumarappan
(P.2 to P.4 are substituted as LR's in the
place of the deceased as per order dt.
17.09.2013 in WPMP No.218 of 2013)

.. Petitioners

vs

1.The District Educational Officer,
Devakottai

2. Chitta Achi Memorial High School,
Rep by its Secretary,
Kandanur 623 104.
Sivagangai District

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records pertaining to the orders of the Second Respondent dated 22.12.2003 and 31.12.2003 quash the same and direct the second respondent to grant extension of service to the petitioner with effect from 31.12.2003 until 31.05.2004 with all consequential



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benefits, including arrears of pay and allowances and computation of pensionary benefits.

For Petitioner : Ms.S.Kavitha
For Respondents : Mrs.Mythreye Chandru
Spl.Government Pleader
R.1
Ms.AL.Gandhimathi
For R.2

ORDER

This Writ Petition has been filed challenging the order passed by the 2nd respondent rejecting the request of the petitioner for extension of service and consequently, direct the second respondent to grant extension of service to the petitioner with effect from 31.12.2003 until 31.05.2004 with all consequential benefits, including arrears of pay and allowances and computation of pensionary benefits.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the 1st respondent, the learned counsel appearing for the 2nd respondent and perused the materials available on record.

3. The petitioner was appointed as a B.T.Assistant (Science) Teacher in the 2nd respondent School by order dated 23.06.1969 and she had put in 32 years of service. As she was to retire on 15.09.2003, she made a representation



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to the 2nd respondent through the Headmaster of the School praying for extension of service till the academic year 2004. The said request was rejected by the 2nd respondent on 22.12.2003 alleging that the petitioner was suspended from service for participating in strike and the 2nd respondent passed an order retiring the petitioner from service with effect from 31.12.2003 as he attained the age of superannuation on 23.12.2003. It is the contention of the petitioner that he was not suspended from service and the said reason is factually incorrect.

4. Nevertheless, the writ petition is of the year 2004. The right for extension of service till the end of the academic year is not automatic. As per the Government policy, extension of service of teachers retiring in the middle of the academic year till the end of the academic year shall be made subject to certain conditions, viz., (i) the conduct and character of the teacher are satisfactory; (ii) there should be no disciplinary proceedings pending and (iii) he/she is physically fit to discharge his/her duties. It is the contention of the respondent School that no proposal has been sent for extension of service of the petitioner. Further, in the present case, the request of the petitioner was rejected by the 2nd respondent on 22.12.2003 alleging that the petitioner was suspended from service for participating in the strike and the 2nd respondent

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vsi

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also passed an order retiring the petitioner from service with effect from 31.12.2003 as he attained the age of superannuation on 23.12.2003. It is seen that the School Management is not satisfied with the conduct of the petitioner. Thus, one of the conditions for extension of service is not fulfilled by the petitioner. Therefore, this Court is not inclined to interfere with the order passed by the 2nd respondent.

5. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2022

Index:Yes/No
Speaking/Non-speaking order
vsi

To

The District Educational Officer,
Devakottai

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