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W.P. No.17789 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.21467 of 2022

and

W.M.P. Nos.20475, 20476 and 20477 of 2022

S. Prema

... Petitioner

VS.

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 9.

2. The Director of School Education,
DPI Complex,
Chennai – 6.

3. The District Educational Officer,
Cuddalore District,
Cuddalore.

4. The Headmaster,
Govt. Higher Secondary School,
C.N.Palayam,
Cuddalore.

5. The Chief Educational Officer,
Cuddalore District,
Cuddalore.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus calling for the records of the



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3rd respondent in Na.Ka. No.4727/A2/2022, dated 07.07.2022 and quash the same and direct the respondents to extend the service of the petitioner as BT Assistant from 01.07.2022 to 31.05.2023, till the end of the academic year and grant her all consequential service and monetary benefits.

For petitioner	: Mr.K.Venkataramani for Mr.M.Muthappan
For respondents	: Mr.S. Yashwanth Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order, dated 07.07.2022 rejecting the petitioner's request seeking for extension of service based on G.O. (D) No.115, School Education Department, dated 28.06.2022.

2. The date of the petitioner's superannuation as a Teacher falls on 30.06.2022. Under the impugned order dated 07.07.2022, the request made by the petitioner for extension of service based on the aforementioned G.O. was rejected on the ground that the 3rd respondent has received the proposal for the petitioner's extension of service only on 01.07.2022, i.e., after the date of petitioner's retirement. The petitioner



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contends that G.O. (D) No.115, School Education Department, dated 28.06.2022 was issued two days prior to the petitioner's retirement and immediately after coming to know about the said G.O., the petitioner has given a representation to the 4th respondent School on 30.06.2022. According to the petitioner on the very same date itself, the 4th respondent has submitted the proposal to the 3rd respondent for approval. However, as seen from the impugned order, the same is disputed as according to them, the 4th respondent's proposal seeking for approval of the petitioner's request for extension of service based on the aforesaid G.O., dated 28.06.2022 was received only on 01.07.2022 i.e., after the petitioner's retirement. Since the proposal was received only on 01.07.2022, the 3rd respondent has rejected the petitioner's request for extension of service.

3. The petitioner has filed documents along with this writ petition to substantiate his claim that the proposal was sent by the 4th respondent to the 3rd respondent seeking for approval of extension of the petitioner's service i.e., on 30.06.2022 itself.

4. The learned Senior counsel appearing for the petitioner also drew the attention of this Court to the proposal dated 30.06.2022 sent by



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the 4th respondent to the 3rd respondent seeking for approval of the petitioner's request for extension of service and would submit that the said proposal was hand delivered and the same was received by the respondents on the very same day i.e., on 30.06.2022 itself. However, the contention of the petitioner is disputed by the respondents as seen from the counter affidavit filed by them before this Court. In the counter affidavit they categorically contend that the proposal was received only on 01.07.2022 after the petitioner's retirement from service which falls on 30.06.2022.

5. On the last hearing date, this Court directed the learned Senior counsel for the petitioner to produce proof for the petitioner's contention that the proposal sent by the 4th respondent was received by the 3rd respondent on 30.06.2022 itself and not on 01.07.2022 as contended by the respondents in their counter affidavit filed before this Court. Excepting for producing a copy of the proposal, dated 30.06.2022 sent by the 4th respondent seeking for approval of the petitioner's request for extension, there is no proof to show that the proposal was received by the 3rd respondent on 30.06.2022.

6. Therefore, necessarily, this Court will have to accept the



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statement of the respondents that the proposal was received only on 01.07.2022 after the date of the petitioner's retirement which falls on 30.06.2022. Apart from giving reasons for rejection of the petitioner's request under the impugned order, the 3rd respondent in their counter affidavit has also stated that there are surplus Teachers though the same is not reflected in the impugned order. According to them, the extension was also not granted to the petitioner on the ground that there are surplus Teachers in aided Schools and there was no requirement for providing extension of service to any of the Teachers.

7. Admittedly, the petitioner was retired from service on 30.06.2022. This Court is of the considered view that the reasons given by the 3rd respondent for rejecting the petitioner's request for extension of service as per G.O. (D) No.115, School Education Department, dated 28.06.2022 cannot be considered to be arbitrary and illegal as the petitioner has not produced any proof before this Court to show that the proposal submitted by the 4th respondent was received by the 3rd respondent on 30.06.2022 itself.

8. Admittedly, even according to the petitioner, the proposal is dated 30.06.2022, which is the date of the petitioner's retirement from



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service.

WEB COPY 9. This Court does not find any infirmity in the impugned order.

Accordingly, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order
vsi2

To

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ABDUL QUDDHOSE, J.

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