

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4295 of 2017

and

W.M.P. Nos. 4494 and 4495 of 2017

V.Rajakannan

... Petitioner

-VS-

1. The Joint Director of School Education (Vocational)
College Road, Chennai – 600 006.

2. The Chief Educational Officer
Perambalur District
Perambalur.

3. The Head Master
Government Higher Secondary School
Perambalur Post & District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the Second Respondent in Na. Ka. No. 11832/Aa2/2016 dated 30.12.2016 and quash the same and consequently direct the Respondents permit the Petitioner to continue to work as Vocational Teacher (Agriculture) in the Third Respondent school till 31.05.2017 with all monetary and all other consequential service benefits.

For Petitioner : Mr. M.Saravanakumar

For Respondents : Mr. P.Balathandayutham,
Special Government Pleader

ORDER

Heard Mr. M.Saravanakumar, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was working as Teacher, had attained the age of superannuation on 31.12.2016 and he had retired from service. He had made a request to continue in service till the end of academic year relying on the relevant rules in that regard. The said request was rejected by the First and Second Respondents on account of an order of censure passed against him as he had sent one of his students during class hours to Taluk Office to do his personal work without regard to the safety and welfare of that student. It is brought to notice that the Third Respondent had recommended for extension of his service till the end of academic year to the Second Respondent and this Court had passed an interim order on 21.02.2017 directing the Second Respondent to consider and pass orders on the same.

3. The Second Respondent has filed Counter-Affidavit dated 26.04.2017 explaining that as the work and conduct of the Petitioner was not up to the

satisfactory level in terms of Regulatory Rules to Extension issued by the Government of Tamil Nadu in G.O. No. 1643, Department of Education (U2) dated 27.10.1988, he was entitled to any extension of service after retirement.

4. Apart from the said factor, it cannot be disputed that the monetary benefits arising out of extension of service could be granted only for the actual period of working, and though the Petitioner had been relieved from service on 31.12.2016, he had belatedly approached this Court on 17.02.2017, meaning thereby that it had become impossible to extract work from him during that period, attracting the principle of 'no work, no pay' to deny the claim made by him. In such circumstances, there does not appear to be any justification to grant any relief to the Petitioner as sought in the Writ Petition.

In the result, the Writ Petition, which lacks merit, is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

29.06.2022

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Index: Yes/No

Note: Issue order copy by 18.07.2022.

To

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P.D. AUDIKESAVALU, J.

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