



WEB COPY



W.P. No.32901 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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J.Sumathi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
College Road, Chennai – 600 009.
2. The Director,
Directorate of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai – 600 006.
3. The Commissioner,
Commissionerate of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai – 600 006.
4. The State Project Officer (SSA),
D.P.I. Campus, College Road,
Nungambakkam, Chennai – 600 006.
5. The Co-Ordinator (IED),
Inclusive Education of the Disabled Children,
Samagara Shiksha Abhiyan,(Previous Sarva Sikhs Aabyan),
D.P.I. Campus, College Road,
Nungambakkam, Chennai – 600 009.



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6. The Commissioner of Rehabilitation for the Disabled,
No.15/1, Model School Road,
Thousand Light, Chennai - 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 5 not to compel the petitioner to quit her job till her retirement as per the norms followed in regular teachers.

For Petitioner : Mr.C.Sivakumar
For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.D.Ravichander, learned Special Government Pleader accepts notice for the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 & 5 not to compel the petitioner to quit her job till her retirement as per the norms followed for regular teachers.

4. The petitioner claims that she has been compelled to quit her job by the respondents 1 & 5. She has given a representation dated



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25.08.2022 requesting the respondents not to compel her to quit her job.

According to her, despite the said representation she is facing threats. In such circumstances, she has filed this writ petition.

5. Heard Mr. C.Sivakumar, learned counsel for the petitioner and Mr.D.Ravichander, learned Special Government Pleader for the respondents.

6. The learned Special Government Pleader appearing for the respondents on instructions would submit that the petitioner was a Special Educator at St.Thomas Mount Middle School, Chengalpat District, and she has been appointed under the special scheme, where the age of superannuation is 58 years and not 60 years, which is applicable for Government servants. She has retired from service on attaining the age of superannuation on 30.08.2022 i.e., on completion of 58 years. However, the same is disputed by the learned counsel for the petitioner.

7. No prejudice would be caused to respondents, if the petitioner is allowed to give a fresh representation seeking for extension of the petitioner's service to the age of 60 years and the same is considered by the respondents on merits and in accordance with law, within a time frame to be fixed by this Court.



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8. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents 2, 4 and 5 respondents requesting for extension of petitioner's service to the age of 60 years, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the aforementioned respondents are directed to pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter.

9. With the aforesaid direction, the writ petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
ham/vsi2



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ABDUL QUDDHOSE, J.

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