



W.P.(MD) No.11814 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.11814 of 2021

R.Palanivelu

... Petitioner

-VS-

1.The Regional Joint Director of Collegiate Education,
Thanjavur.

2.The Secretary and Correspondent,
A.Veeraiya Vandayar Memorial Sri Pushpam,
College (Autonomous), Poondi,
Thanjavur.

3.A.Veeraiya Vandayar Memorial Sri Pushpam,
College (Autonomous), Poondi,
Thanjavur, rep.by its Secretary,
Poondi, Thanjavur-613 503.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioner as Associate Professor for the period from 01.07.2019 to 31.05.2020 in the Department of Economics in the third respondent College



W.P.(MD) No.11814 of 2021

and grant all the monetary and retirement benefits by treating the petitioner's date of superannuation as 31.05.2020.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel for
Mr.AL.Ganthimathi

For Respondents : Mr.A.Kannan
Additional Government Pleader
for R1
Mr.P.Vadivel
Standing Counsel for R2
No-appearance for R3

ORDER

Placing reliance on G.O.Ms.No.300, Higher Education (F) Department, dated 08.09.2006, the petitioner herein, who was due to retire on 30.06.2019, sought for re-employment to the end of that academic year. Since the Management had not passed any order on such re-employment to the end of that academic year in accordance with the relevant Government Order, the petitioner herein now claims to consider his candidature for being continued in the post of Associate Professor, after the date of



W.P.(MD) No.11814 of 2021

superannuation (i.e.,) 30.06.2019 till 31.05.2020, which is the end of that academic year.

2. Admittedly, the petitioner herein had not worked during the period for which he claims benefits to the post of Associate Professor. Initially, the petitioner has filed a writ petition in W.P(MD).No.16123 of 2019, seeking for a direction to the College Management for re-employment till the end of the academic year, which is pending.

3. The Hon'ble Division Bench of this Court, in the case of *the Chief Educational Officer and others vs. P.S.Rajavel Durai* in *W.A(MD).No.107 of 2020* etc., on 16.03.2021, while dealing with the case of Teachers for whom similar Government Orders facilitating the extension of the service of the teachers to the end of the academic year by way of re-employment, had held that such re-employment is not a matter of right, since when the teachers attain the age of superannuation, their relationship with the College Management gets terminated.



W.P.(MD) No.11814 of 2021

WEB COPY

4. Admittedly, when the petitioner had not worked for the period for which he claims monetary benefits in the post of Associate Professor and in the light of the decision of the Hon'ble Division Bench of this Court, wherein it is held that such re-employment, after the date of superannuation, is not a matter of right, I am unable to appreciate the claim of the petitioner seeking benefits for the period for which he has not worked.

5. Further, since no positive orders have been passed in the earlier writ petition filed in W.P(MD).No.16123 of 2019 by the petitioner directing the respondents to pass orders for re-employment, the claim made by the petitioner in this regard does not merit consideration.

6. Accordingly, the Writ Petition stands dismissed. No costs.

28.07.2022

Index: Yes/No
Internet: Yes
ssb



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W.P.(MD) No.11814 of 2021

M.S.RAMESH, J.

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W.P.(MD) No.11814 of 2021

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