



W.P(MD)No.20178 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20178 of 2022

and

W.M.P(MD)No.14676 of 2022

A.Subbulakshmi

... Petitioner

Vs

- 1.The State represented by
The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.
- 2.The Joint Director (Personnel),
Commissionerate of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Sivagangai District,
Sivagangai.
- 4.The District Educational Officer,
Devakottai,
Sivagangai District.
- 5.Alagappa Model Higher Secondary School,
Represented by its



W.P(MD)No.20178 of 2022

Secretary of School Committee,
Karaikudi – 630 003.

6.The Headmaster,
Alagappa Model Higher Secondary School,
Karaikudi – 630 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 3 and 5 to consider the requests dated 30.06.2022 and 04.07.2022 of the petitioner and to pass order for the re-employment of the petitioner as P.G.Assistant (English) in the fifth respondent School from 01.07.2022 to the end of academic session of the academic year 2022-2023 as ordered in G.O.(D)No. 115 School Education [Pa.Ka.5(2)] Department dated 28.06.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.B.Karunanithi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R.1 to R.4

Mr.K.Ragatheeshkumar
for M/s. Isaac Chambers for R.6

No Appearance for R.5

ORDER

Heard the learned counsel on either side.

2. The writ petitioner worked as P.G.Assistant (English) in the fifth respondent School. She reached the age of superannuation on 30.06.2022. The



W.P(MD)No.20178 of 2022

petitioner sought re-employment in the same School till the end of the academic year. The fifth respondent did not act on the petitioner's request. That led to the filing of this writ petition.

3. It is not in dispute that in the fifth respondent School, there is no surplus in the post of P.G.Assistant (English). Therefore, the fifth respondent is directed to forward the proposal for re-employing the petitioner to the third respondent within one week from the date of receipt of a copy of this order. The third respondent is directed to pass order on merit and in accordance with law within a period of two weeks thereafter. The writ petition is allowed on these terms.

4. The learned counsel for the petitioner complains that even though the Department has released the petitioner's leave salary and Provident Fund, the fifth respondent is withholding the same. If that be so, the fifth respondent is directed to release the same to the petitioner forthwith and without any delay.

5. At this stage, I cannot help observing that it is for the Government to revisit the issue on re-employment. Here is a case, where the petitioner retired in the month of June itself. Academic year would have just then commenced. I fail to understand as to how retirement in the month of June can be construed as retirement during the middle of the academic year. I would rather say that it



W.P(MD)No.20178 of 2022

is only in the beginning of the academic year. The Government is burdened with the issue of surplus teachers. Therefore, instead of accommodating surplus teachers from the very same District or even from other Districts, granting re-employment will only cause extra expenditure. The first respondent may revisit the entire issue and consider passing suitable Government Order by taking into account the issue of surplus teachers and the financial implications for the Exchequer. Consequently, connected miscellaneous petition is closed.

No costs.

04.11.2022

Index : Yes / No
Internet : Yes/ No
mga

Note: Issue Order Copy on 07.11.2022.

To

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.
- 2.The Joint Director (Personnel),
Commissionerate of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.



W.P(MD)No.20178 of 2022

3.The Chief Educational Officer,
Sivagangai District,
Sivagangai.

4.The District Educational Officer,
Devakottai,
Sivagangai District.

5.The Secretary of School Committee,
Alagappa Model Higher Secondary School,
Karaikudi – 630 003.

6.The Headmaster,
Alagappa Model Higher Secondary School,
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W.P(MD)No.20178 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.20178 of 2022

04.11.2022