



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2966 of 2023
and W.M.P Nos.3068 & 3071 of 2023

S.Kirubanandaraj

Petitioner

vs.

- 1.The Director of School Education,
College Road,
Chennai – 6.
- 2.The Chief Educational Officer,
Thirupattur, Thirupattur District.
- 3.The District Educational Officer,
Vaniyambadi, Thiurpattur District.
- 4.The Educational Committee,
Ambur Synod, Indian Evenglical Luthren Church,
Ambur, Thiurpattur District.
- 5.The Correspondent,
Concordia Higher Secondary School,
Vaniyambadi – 635 751.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to extend the service of the petitioner as Headmaster of the 5th respondent



(Wrongly mentioned as 4th respondent) School, till the end of the current academic year (ie.,) from 1.1.2023 to 31.05.2023, by considering the representation, dated 23.12.2022.

For Petitioner : Mr.S.N.Ravichandran

For Respondent : Mr.D.Ravichandran
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to extend the service of the petitioner as a Headmaster of the 5th respondent School till the end of the academic year, by considering the representation dated 23.12.2022.

2.When the matter came up for admission on 02.02.2023, this Court passed the following order:

Mrs.Indhumathi, learned Government Advocate takes notice on behalf of the respondents 1 to 3.

2.The issue involved in the present case is that the petitioner, who was working as Headmaster in the 5th



respondent School attained superannuation on 31.12.2022. A representation was given by the 5th respondent School represented by the petitioner on 23.12.2022, to the 2nd respondent to permit the petitioner to continue till the end of the academic year up to 31.05.2023. Since the same was not considered, the present writ petition has been filed before this Court.

3.The learned Government Advocate appearing on behalf of respondents 1 to 3 submitted that as per their records, the petitioner has reached superannuation on 31.12.2022 and no orders have been passed till date permitting the petitioner to continue as Headmaster. The learned Government Advocate further submitted that the 5th respondent School is presently under direct payment since there is a dispute in the management of the School. It was further submitted that the representation made by the School on 23.12.2022, will be considered and a decision will be taken and informed to this Court.

4.Post this writ petition at the end of motion list on 09.02.2023.



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3.Today, when the matter was taken up for hearing, the learned Special Government Pleader submitted the written instructions received from the Chief Educational Officer, Tirupattur. On carefully going through the instructions, it is seen that the petitioner is only an in-charge Headmaster and hence, there is no scope for extending the services of the petitioner till the end of the academic year in that position.

4.During the course of hearing, the learned counsel for the petitioner submitted that the petitioner is a P.G. Assistant, teaching Chemistry for the higher secondary classes. The learned counsel further submitted that if the services of the petitioner cannot be extended as an in-charge Headmaster, at least the respondents can be directed to extend the services of the petitioner till the end of the academic year as a P.G. Assistant (Chemistry), so that, the students will be benefited.

5.Mr.S.Raja Annamalai, District Educational Officer (Secondary), O/o. the District Education Officer, Thirupatur District was present at the time of hearing. He stated that there are surplus teachers belonging to the same management at Ambur and those teachers will be accommodated in



the place of the petitioner.

6.In the considered view of this Court, the petitioner is teaching Chemistry for higher secondary and the students belonging to +2 are going to take the public examination. Hence, it will not be in the interest of the students if the petitioner is replaced by a new teacher at this point of time. It will in fact go against the interest of the students and it may affect their performance in the public examination. This is exactly the reason why G.O.Ms.No.115, dated 28.06.2022 was issued wherein, the teachers who are retiring in the middle of the academic year, are extended up to the end of the academic year to ensure that the interest of the students is not affected.

7.In the light of the above discussion, there shall be a direction to the petitioner to submit a fresh representation to the District Educational Officer, Tirupattur seeking for extension of his service as P.G. Assistant (Chemistry) till the end of the academic year. The 3rd respondent shall forward the same to the Chief Educational Officer, Tirupattur, who will



N. ANAND VENKATESH, J.

SSR

consider the representation in line with G.O.Ms.No.115, dated 28.06.2022. This direction will sufficiently take care of the interest of the petitioner as well as the students.

8.This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

09.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR

To

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