



WEB COPY



W.A.No.1941 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.1941 of 2018
and CMP.No.15559 of 2018

1. The Director of Elementary Education,
Chennai 600 009.
2. The District Elementary Education Officer,
Salem.
3. The Assistant Elementary Education Officer,
Salem Rural, Salem.

...appellants

Vs.

J.Edwin, (Retired) Headmaster,
Panchayat Union Middle School,
Majurakollapatti, Salam Panchayat Union,
No.2/1, Gokul Nagar, Chinna Thirupathi,
Salem 636008.

...respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.08.2014 in WP.No.12234 of 2012 passed by the Single Judge of this Court.

For appellants : Mr.G.Nanmaran,
Special Government Pleader
For respondent : Mr.M.Ravi



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JUDGMENT

(The Judgment of the Court was delivered by R.SUBRAMANIAN, J)

Challenge in this appeal is to the order of the Writ Court directing the payment of consolidated wages, deeming the petitioner to have been in re-employment between 01.07.2011 to 31.05.2012.

2. It is a practice in the Education Department to re-employ the Teachers in Schools till the end of the academic year irrespective of their actual date of retirement. The respondent/petitioner attained the age of superannuation on 01.07.2011. He sought for re-employment till 31.05.2012. The petitioner was denied re-employment for certain discrepancies. The petitioner approached this Court challenging the said rejection relying upon the judgment of the Division bench of this Court in ***S.Sundarm vs. The Secretary, C.S.I. Diocese of Madras and Others***, wherein, it was held that re-employment is the right of the Students and the same cannot be deprived in an arbitrary manner.

3. The learned Special Government Pleader appearing for the petitioner placed reliance upon the judgment of the Division Bench of this Court in the case of ***the Chief Educational Officer vs. P.S.Rajavel Durai***,



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in WA.(MD).Nos.107, etc. batch of 2020, dated 16.03.2021, wherein the

Division Bench of this Court take a view that re-employment till the end of the academic year is not an entitlement, but it is only an *ex gratia* grant depending on the conduct of the Teacher.

4. We do not see any reason to deviate from the conclusion reached by the Division Bench in *P.S.Rajavel Durai case (cited supra)*. Once it is concluded that the re-employment is not a matter of right, the denial of re-employment by the Government for the reason that the petitioner was not acting responsibly or that he has behaviours, which are not conducive to the post of the Teacher, which he has hold, cannot be interfered. We do not think, we direct the payment of consolidated salary, more so, when the petitioner is not discharged his duty as a Teacher during the relevant period. Hence, the appeal stands allowed and the order of the Writ Court stands set aside. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.J.,) (S.S.K.J.,)
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