



W.P.(MD).No.16280 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16280 of 2023

and

W.M.P(MD)Nos.13636 & 14646 of 2023

R.Ramesh

... Petitioner

Vs.

1.The Commissioner of School Education,
O/o. The Commissioner of School Education,
DPI Campus,
Chennai.

2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Dindigul District.

3.The Secretary,
M.S.P.Solai Nadar Memorial
Higher Secondary School,
Dindigul District.

4.The Head Master,
M.S.P.Solai Nadar Memorial
Higher Secondary School,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to provide reemployment to the petitioner from 01.07.2023 to till the end of



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academic year and to pay all the monetary benefits by consonance with the G.O(Ms).No.261 School Education Department, dated 20.12.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates

For R1 & R2 : Mr.N.Ramesh Arumugam
Government Advocate

For R3 & R4 : Mr.J.Lawrence

ORDER

The present writ petition has been filed seeking direction to the respondents to provide reemployment to the petitioner from 01.07.2023 to till the end of academic year and to pay all the monetary benefits by consonance with the G.O(Ms).No.261 School Education Department, dated 20.12.2018 within the period that may be stipulated by this Court.

2. The petitioner was initially appointed as B.T Assistant (Science) on 17.07.2007 at M.S.P Solai Nadar Memorial Higher Secondary School, Dindigul District. Thereafter, he was promoted as P.G Assistant (Accounts) on 01.06.2015. On 30.06.2023, on attaining the age of superannuation, he is retired from service. In accordance with G.O.Ms.No.261 School Education



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Department, dated 20.12.2018 and G.O.Ms.No.115 School Education Department, dated 28.06.2022, if a teacher attained age of superannuation in the middle of the academic year, he/she would be entitled to get re-employment till the completion of the academic year. In view of the same, the petitioner made a representation for re-employment on 25.05.2023 to the respondents through proper channel as well as by RPAD. The petitioner preferred yet another representation to the respondents on 02.06.2023 requesting them to provide re-employment. But the respondents 3 and 4 refused to provide him with re-employment and returned the proposals. Thereafter, on 01.07.2023, the 3rd respondent school forcibly obtained the signature of the petitioner in the relieving order and on the same date, he received the copy of the same. Without considering the same, the 3rd respondent school conducted farewell and other formalities with an intention of relieving the petitioner and hence, this writ petition came to be filed.

3. The learned counsel for the petitioner submitted that in the light of G.O.Ms.No.261 School Education Department, dated 20.12.2018 and G.O.Ms.No.115, School Education Department, dated 28.06.2022, it is the mandate that he should be permitted to continue service till the end of the



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academic year since he had retired in the middle year in the month of June. He is entitled to continue the service and hence, this writ petition may be allowed.

4. The learned counsel for the respondents 3 and 4 vehemently submitted it is not true that the signature of the petitioner was obtained forcibly. But he voluntarily signed the relieving order. Having signed the relieving order and received the copy of the same and thereafter, participating in the farewell ceremony. Now, the petitioner is not entitled to seek re-employment till the completion of the academic year. Even then, the school had forwarded the petitioner's representation and that came to be rejected by the District Educational Officer, Dindigul on 06.06.2023 and hence, the ball is in the court of 1 and 2 respondents and the 3rd respondent cannot take a decision in this issue. But, the clear perusal of the rejection made by the District Educational Officer would reveal that the said representation has been forwarded to the competent authority only by the Head Master and it has been rejected only for the reason that it has to be forwarded through the Correspondent or the Secretary of the 3rd respondent school.



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5. The learned Government Advocate submitted that if any such proposal is likely to be forwarded by the school Correspondent concerned, that will be considered on merits.

6. Heard Mr.S.Mohamed Suhail, learned counsel for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for R1 & R2 and Mr.J.Lawrence, learned counsel for R3 and R4.

7. Considering the fact that G.O.Ms.No.261 School Education Department, dated 20.12.2018 and G.O.Ms.No.115, School Education Department, dated 28.06.2022 mandate that whoever retires in the middle of the academic year are entitled to get re-employment till the completion of the academic year, this Court directs the 3rd respondent to forward the representation made by the petitioner on 25.05.2023 to the respondents 1 and 2 for appropriate action within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of such a proposal from the 3rd respondent, the 2nd respondent shall dispose of the same in accordance with law in the light of G.O.Ms.No.261 School Education Department, dated 20.12.2018 and G.O.Ms.No.115, School Education Department, dated 28.06.2022 within a period of two weeks from the date of receipt of the proposal from the 3rd respondent.



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8. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

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L.VICTORIA GOWRI, J.

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