



WEB COPY



W.P.No.11257 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11257 of 2022 and
WMP.Nos.10824 & 10825 of 2022

K.R.Tamilselvan

... Petitioner

Vs.

1. Government of Tamilnadu,
Rep. by its Principal Secretary,
Department of Higher Education,
Fort St.George, Chennai-09
2. The Director of Collegiate Education,
College Road, Chennai-06
3. The Joint Director of Collegiate Education,
Vellore Region, Vellore
4. Jawahar Science College,
Rep. by its Secretary, Block-14,
Neyveli 607 803

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus after calling for the records pertaining to the order dated 27.01.2022 passed by the fourth respondent in Lr.No.JSC/Estt.Ret./2021-2022-021 and order passed by the third respondent in Na.Ka.No.394/Pu.Ka./2022 dated 02.03.2022 and to quash the same and consequently direct the fourth respondent to continue the petitioner services in their college till he attain the age of 60 years, that is upto 30.04.2023 and to re-employ him till the end of the academic year, as per the order in GO.Ms.No.29



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P&AR Department dated 25.02.2021 and as extended in the case of Aided Colleges teachers.

For Petitioner : Mr.V.Ajay Khose

For Respondents

For R1 to 3 : Mr.S.Rajesh,
Government Advocate

For R4 : Mr.N.Nithianandam

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent dated 27.01.2022 thereby relieved the petitioner on attaining the age of superannuation on 30.04.2022 and the order dated 02.03.2022 thereby rejected the representation submitted by the petitioner on the ground that the Government Order in GO.Ms.No.29 Personnel and Administrative Reforms(S) Department dated 25.02.2021 is not applicable to the private colleges.

2. Heard, the learned counsel appearing on either side.

3. The fourth respondent is a private unaided institution. It was affiliated to University of Madras and thereafter, it is now affiliated to



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Tiruvallur University, Vellore. The fourth respondent selected the petitioner for the post of Lecturer in Geology Department and accordingly, he had joined duty on 27.05.1993. Age of retirement of the private college teachers, after the Tamilnadu Private Colleges (Regulation) Rules, 1976 came into force, was fixed as 58 years. However, they were given re-employment for two years after completion of 58 years. After the outbreak of Covid-19 pandemic, the Government of Tamilnadu issued a Government Order in GO.Ms.No.51 Personnel and Administrative Reforms Department dated 07.05.2020 and thereby increased the age of retirement / superannuation of Government servants who were due to retire from service from 31.05.2020, from 58 years to 59 years.

4. According to the petitioner, the age of the retirement as applicable to the aided private college teachers is the age of retirement for private unaided colleges teachers also including the teachers working in the fourth respondent college. Similarly placed teachers' services were extended till completion of sixty years. Subsequently, by another Government order in GO.Ms.No.29 Personnel and Administrative Reforms Department dated 25.02.2021, thereby increased the age of retirement from 59 to 60 years to all the employees of the



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institutions covered by the GO.Ms.No.51 dated 07.05.2020. However, the benefits were not extended to the petitioner and he was ordered to relieve from his post on attaining age of superannuation on 30.04.2022 and he was relieved from service on 30.04.2022. Similar issue was dealt with by this Court in the writ petition in WP.No.12396 of 2021 by order dated 10.02.2022, wherein this Court held that the fourth respondent is a self finance Arts and Science College administered by the Educational Agency of Jawahar Educational Society, Neyveli and it is affiliated to Tiruvallur University, Vellore.

5. Further, as per GO.Ms.No.29 dated 25.02.2021, it is not applicable to the fourth respondent since no grant-in-aid is sanctioned by the Government of Tamilnadu to the teaching and non teaching staffs of self financing colleges. The Division Bench of this Court also held in the writ appeal in WA.No.610 of 2020 by order dated 07.08.2020 that a staff working in unaided institution cannot expect himself to be treated along with Government staff for the benefit under GO.Ms.No.29 dated 25.02.2021. Therefore, the fourth respondent rightly rejected the request made by the petitioner and he was rightly relieved from his service on attainment of age of superannuation as on 30.04.2022. Hence, this Court finds no infirmity or



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illegality in the order passed by the fourth respondent. As such, this writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

09.01.2024

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.Principal Secretary,
Government of Tamilnadu,
Department of Higher Education,
Fort St.George, Chennai-09
- 2.The Director of Collegiate Education,
College Road, Chennai-06
- 3.The Joint Director of Collegiate Education,
Vellore Region, Vellore
- 4.Secretary,
Jawahar Science College,
Block-14,
Neyveli 607 803

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