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W.A.No.822 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.822 of 2021

and

CMP.No.4624 of 2021

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Chief Educational Officer,
Villupuram District.
3. The District Educational Officer,
Villupuram District.

... Appellants

Vs.

K.Chinnadurai

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 21.10.2019 made in W.P.No.29844 of 2019.

For Appellants : Mr.U.M.Ravichandran
Special Government Pleader
For Respondent : No Appearance



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J U D G M E N T

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

Re-employment after attaining the age of retirement cannot be claimed as an absolute right by the Teachers. Re-employment is a policy decision taken by the Government for the benefit of the students studying in Educational Institutions. Therefore, re-employment is to be granted subject to eligibility and conduct of the teachers, who all are seeking re-employment till the end of the academic year. In the present case, admittedly, the case of the first respondent for re-employment was rejected by the authorities competent.

2. The learned Special Government Pleader would submit that at the time of retirement of the respondent, surplus teachers were working in the School and they were also teaching the same subject. Even the Government Policy issued in G.O.(Ms).No.261, School Education Department dated 20.12.2018 reveals that if there are surplus teachers in the School, then re-employment need not be granted to the teachers attaining the age of superannuation during the middle of the academic



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year. Therefore, the decision taken by the appellant cannot be termed as unfounded. That apart, the learned Special Government Pleader would submit that the respondent has not served and he was allowed to retire from service on the date of his retirement. For all these reasons, we are inclined to interfere in the order impugned.

3. Accordingly, the writ order impugned dated 21.10.2019 passed in WP.No. 29844 of 2019 is set aside and consequently, the Writ Appeal stands allowed. No costs. Consequently, connected CMP is also closed.

[S.M.S., J.] [C.K., J.]
06.06.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes



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and
C.KUMARAPPAN, J.

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