



WEB COPY



W.P.No.20762 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20762 of 2024

K.Vaithilingam

... Petitioner

Vs

1. The Directorate of Elementary Education,
Office of the Directorate of Elementary Education,
DPI Building,
College Road,
Chennai – 600 006.

2. The District Elementary Education Officer,
Office of the District Elementary Education,
2nd Floor, Collectorate Building,
Ariyalur – 621 704.

3. Block Educational Officer,
Office of the Block Education,
Sendurai – 621 714,
Ariyalur District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to consider the re-employment application dated 22.06.2024 filed by the petitioner for his re-employment at the Panchayat Union Primary School, Pazhamalainathapuram, Sendurai Block, Ariyalur District.



W.P.No.20762 of 2024

WEB COPY

For Petitioner : Mr. T.Deenadhayalan

For Respondents : Mrs. S.Mythreye Chandru,
Special Government Pleader

ORDER

With the consent of both sides, this Writ Petition has been taken up for disposal at the admission stage itself.

2. The Writ Petition has been filed to direct the third respondent to consider the application dated 22.06.2024, seeking re-employment.

3. The petitioner was appointed as a Teacher at the Government Middle School, Mullukurichi, Ariyalur District, and later promoted to Head Master at the Panchayat Union Primary School, Pazhamalainathapuram, Sendurai Block, Ariyalur District. While in service, the petitioner was permitted to retire upon attaining the age of superannuation as of 30.06.2024. Accordingly, the petitioner was relieved from the post of Head Master. Now, the petitioner has submitted the said application seeking re-employment to continue until the end of the academic year.



W.P.No.20762 of 2024

WEB COPY

4. The learned counsel for the petitioner submitted that he relied on G.O. (Ms) No. 261, Education (Pa5(2)) Department, dated 20.12.2018, and accordingly, the petitioner is entitled to continue until the completion of the academic year, i.e., until May 2025.

5. The learned Special Government Pleader appearing for the respondents, on instructions, states that the petitioner was already charged with serious allegations, imposed with punishment, and is currently facing punishment. Re-employment is not automatic, even as per G.O. (Ms) No. 261, Education (Pa5(2)) Department, dated 20.12.2018. While it is true that the said Government Order allows teachers to be re-employed in the same school for the welfare of students, it is subject to the conditions that there are no surplus teachers and the teachers must have a clean record.

6. Admittedly, the petitioner was imposed with punishment and it is also under challenge before this Court in W.P. No.12783 of 2024. Further, re-employment is not a matter of right, and re-employment constitutes a



W.P.No.20762 of 2024

fresh employment. Therefore, the request made by the petitioner for re-employment cannot be considered, and the Writ Petition is devoid of merits and is liable to be dismissed.

7. In the result, this Writ Petition is dismissed. No costs.

24.07.2024

Index:Yes/No
Neutral Citation/Yes/No
kv

To

1. The Directorate of Elementary Education,
Office of the Directorate of Elementary Education,
DPI Building,
College Road,
Chennai – 600 006.
2. The District Elementary Education Officer,
Office of the District Elementary Education,
2nd Floor, Collectorate Building,
Ariyalur – 621 704.
3. The Block Educational Officer,
Office of the Block Education,
Sendurai – 621 714,
Ariyalur District.

4/5



WEB COPY



W.P.No.20762 of 2024

G.K.ILANTHIRAIYAN, J.

kv

W.P.No.20762 of 2024

24.07.2024