



WEB COPY



W.P.No.38120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.38120 of 2024

and

W.M.P.No.41253 of 2024

Dhanalakshmi

...Petitioner

Vs

1. The Chief Educational Officer,
Old Railway Station Road, Erode.

2. The District Educational Officer,
Karattadipalayam, Gobichettipalayam.

3. The Block Educational Officer I,
Nambiyur, Gobichettipalayam Taluk.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of

India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent by proceedings in Na.Ka.No.587/A1/2024 dated 20.08.2024 and quash the same and consequently direct the 3rd respondent to permit the petitioner to join duty and work till 31.05.2025 and pass orders.

For Petitioner : Mr.P. Saravana Sowmiyan

For Respondents : Mr.S. Mythreye Chandru
Special Government Pleader



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ORDER

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2. This petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent by proceedings in Na.Ka.No.587/A1/2024 dated 20.08.2024 and quash the same and consequently direct the 3rd respondent to permit the petitioner to join duty and work till 31.05.2025 and pass orders.

3. The case of the petitioner is that the petitioner is a retired Headmaster. After attaining superannuation he has made an application on 31.06.2024 to the 3rd respondent requesting to re-employment/extension of service from 01.07.2024 till 31.05.2025. Pursuant to which the 3rd respondent passed an order on 01.07.2024 wherein, they have extended the services of the petitioner from 01.07.2024 till 31.05.2025. Due to illness the petitioner has taken leave from 20.08.2024 to 19.09.2024 and when she is about to join duty on 04.11.2024, the 3rd respondent issued proceedings in Na.Ka



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No.587/A1/2024 dated 20.08.2024, wherein the extension of services granted to the petitioner was cancelled. Aggrieved over the same the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted that the 3rd respondent has not given any opportunity or any notice regarding her cancellation of extension of service and all of sudden the impugned order came to be issued, which is a clear violation of principles of natural justice. Hence, prays to allow this petition

5. The learned Special Government Pleader appearing for the respondents submitted that in the impugned order it has been clearly stated that the petitioner has taken continuous leave due to her illness, which will result in the studies of the students. Therefore, the petitioner was relieved from the services. She further submitted, there is no reason to interfere with the impugned order passed and prays to dismiss this petition.

6. Heard both sides and perused the materials available on record.



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7. On a perusal of the G.O.No.1643 dated 27.1.1985 which deals with re-employment of teacher after retirement it has been clearly stated that while permitting the continuance of the teachers in service in Paragraph No.2 it has been clearly stated that the the said teachers should be physically fit to continue in service. Hence, there is no error or infirmity in the impugned order.

8. Further more, the petitioner's claim for continuance of teacher in service cannot be claimed as a matter of right. It is only an opportunity given to the retired teachers who shall take an employment after retirement and the same does not deserve any merit consideration. In other words the petitioner does not have vested right to challenge the impugned order.

9. Accordingly this petition is dismissed. No order as to costs. Consequently the connected miscellaneous petition are closed.

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Index: Yes/No
Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

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