



W.P.(MD).No.8902 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8902 of 2021

S.Peter Raj

...Petitioner

Vs.

1.The Manager,
RC School, Bishop of Tuticorin,
Tuticorin Diocese, Bishops House,
Thoothukudi District.

2.The Correspondent,
St. Mary's Higher Secondary School,
Pothakalanvilai-628 702.

3.The District Educational Officer,
Tiruchendur-628 215,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of the Impugned Order vide Ref.No. 2021/58 dated 09.04.2021 on the file of the 1st respondent and quash the same as illegal and further directing the respondents to pay the petitioner a sum of Rs.3,47,684/- as re-employment benefit with interest @ 18% p.a.

For Petitioner

: Mr.I.Robert Chandrakumar



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For R-1 and R-2

: Father Xavier Associates

For R-3

: Mr.M.Sarangan,
Additional Government Pleader

ORDER

The prayer of the writ petition is as follows:

This writ petition has been filed to call for the records relating to the proceeding of the Impugned Order vide Ref.No.2021/58 dated 09.04.2021 on the file of the 1st respondent and quash the same as illegal and further direct the respondents to pay the petitioner a sum of Rs.3,47,684/- as re-employment benefit with interest @ 18% p.a.

2. The facts and circumstances which led to the filing of this writ petition are as follows:

The petitioner was appointed as a Secondary Grade Teacher on 01.06.1981 in St.Thomas Middle School, Kurichi, Melapalayam, Tirunelveli District, which was under the administration of the Tuticorin Diocese. He was promoted as Headmaster of the RC Middle School at Somanathaperi on 10.06.1985 and thereafter, he joined as PG Assistant in History in the 3rd respondent School on 01.02.1989. He attained his age of superannuation on 30.06.2014. In view of the same, he made an application to the respondents



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to permit him to continue in service till the end of the academic year, that is, 31.05.2015. However, the said claim was rejected by the impugned order dated 09.04.2021 by the 1st respondent. Challenging the same, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner submitted that, since the petitioner attained the age of superannuation, he was paid with 50% of backwages. Though the impugned order dated 09.04.2021 itself came to be passed only after the date of retirement of the petitioner, that is, on 31.05.2015, after a period of seven years from the date of the retirement and the petitioner's claim came to be rejected, citing his retirement and also Supreme Court orders in a matter which culminated from several rounds of alleged disciplinary proceedings as against the petitioner and he was exonerated from all the charges in whatever disciplinary proceedings initiated as against the petitioner and finally only on the order of the Supreme Court, he was paid with 50% of backwages and the respondents ought to have permitted him to continue his service till 31.05.2015, in view of the fact that he has already retired from service, so that he would become eligible atleast to the pay benefits whatever to which he is entitled to, in case of re-employment with interest and pressed for allowing the writ petition.



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4. Per contra, the learned Additional Government Pleader, Mr.M.Sarangan, on the basis of the counter affidavit filed by the 3rd respondent, submitted that, the contention of the petitioner's counsel that the petitioner was exonerated from all the charges is absolutely incorrect and the Supreme Court came forward to reduce the punishment imposed on the petitioner on the ground that the same was disproportionate. However, the petitioner was a man of insubordination and troublemonger who was not that personality who would be eligible to be reappointed and permitted for continuation till the end of the academic year even after the date of retirement on the basis of mandates of G.O.Ms.No.1643 Education (U2) Department, dated 27.10.1988. Only considering the previous character and conduct of the petitioner unbecoming of a teacher, he was not permitted to continue. In view of the same, he is not entitled to the relief to which, he sought for. He also brought to the notice of this Court that, even on the date of his retirement, he was not in service. In view of the pending litigation before the Hon'ble Apex Court, he pressed for dismissal of the writ petition.

5. Heard the learned counsels on either sides and carefully perused the materials available on record



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6. Though the learned counsel for the petitioner categorically contended that the petitioner came to be punished only because of the inimical attitude of the respondent School authorities which they had developed against him from the first instance, he was pointed to be a man of insubordination, thereby not allowing him to serve till the end of the academic year and hence, he should not be penalised, the said contention cannot be accepted by this Court, for the reason that the case itself has become infructuous by lapse of time. In view of the fact, the impugned order dated 09.04.2021 came to be passed after a period of almost seven years from the date of retirement of the petitioner, that is, 30.05.2015, nothing survives for adjudication.

7. Hence, this writ petition is closed. There shall be no order as to costs.

31.07.2024

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

The District Educational Officer,
Tiruchendur-628 215,
Thoothukudi District.



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L.VICTORIA GOWRI, J.

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