



W.P.(MD)No.17844 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.17844 of 2024

and

W.M.P.(MD).Nos.15303 & 15304 of 2024

P.B.Christabel Helen

... Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Chennai - 600 006.
- 2.The Chief Educational Officer,
Kanyakumari District at Nagercoil - 629 001.
- 3.The District Educational Officer (Secondary),
Marthandam - 629 165,
Kanyakumari District.
- 4.The Correspondent,
LMS Boys Higher Secondary School,
Marthandam - 629 165,
Kanyakumari District.
5. The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71a Dennis Street,
Nagercoil - 629 001.

... Respondents



W.P.(MD)No.17844 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fifth respondent Corporate Manager in C.M.Lr.No.3/2024-2027, dated 23.07.2024, quash the same and further direct the respondents to permit the petitioner to continue in service as Headmistress in the fourth respondent school namely, LMS Boys Higher Secondary School, Marthandam, Kanyakumari District till the end of the academic year 2024-2025 ie., till 31.05.2025 from 01.08.2024 with all attendant benefits.

For Petitioner : Mr.S.Xavier Rajini

For R-1 to R-3 : Mr.T.Amjadkhan,
Government Advocate

For R-4 : Mr.S.C.Herold Singh

For R-5 : Mr.F.Deepak

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.Xavier Rajini, learned counsel appearing for the petitioner, Mr.T.Amjadkhan, learned Government Advocate appearing for respondent Nos. 1 to 3, Mr.S.C.Herold Singh, learned counsel appearing for the fourth respondent, Mr.F.Deepak, learned counsel appearing for the fifth respondent.



W.P.(MD)No.17844 of 2024

3. This Writ Petition has been filed challenging the impugned proceedings issued by the fifth respondent / Corporate Manager in C.M.Lr.No. 3/2024-2027, dated 23.07.2024 and further to direct the respondents to permit the petitioner to continue in service as Headmistress in the fourth respondent school, viz., LMS Boys Higher Secondary School, Marthandam, Kanyakumari District till the end of the academic year 2024-2025 ie., from 01.08.2024 to 31.05.2025 with all attendant benefits.

4. The petitioner is now working as Headmistress in the fourth respondent School. The petitioner had to retire from service in the end of July 2024, i.e., on 31.07.2024.

5. Mr.S.Xavier Rajini, learned counsel appearing for the petitioner submitted that in view of the Government Order in G.O.(Ms).No.115, School and Education Department, dated 28.06.2022, the Teachers who attain the age of retirement in the middle of the academic year have the right to continue in service till the end of that academic year. As such, the petitioner is entitled to continue in service upto the end of the academic year i.e., 31.05.2025. The petitioner submitted an application to the fourth respondent on 01.05.2024. But the same was not considered by the fourth respondent. Thereafter, on

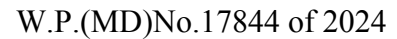


W.P.(MD)No.17844 of 2024

28.06.2024, the petitioner submitted another application to the fifth respondent and the fifth respondent returned the same and passed an impugned order on 23.07.2024 stating that the proposal was forwarded without getting recommendation from the fourth respondent. Challenging the same, the present Writ Petition has been filed.

6. The issue on hand is no longer a *res-integra*. This Court has already dealt with a similar issue in ***W.P.(MD).No.10513 of 2024*** dated ***29.04.2024*** in ***the case of the Correspondent, St.Joseph's High School, Karunyapuram Post-629 176, Kanyakumari District Vs. The State of Tamil Nadu, Represented by its Secretary, Department of School Education, Fort St.George, Chennai-600 009.*** Similarly placed person has already approached this Court through the above petition and got favourable orders in his favour, wherein, it is held as follows :

“5. As per G.O.(Ms)No.115, School and Education Department, dated 28.06.2022, if a Teacher happens to retire in the middle of the Academic Year, his/her services can be utilized till the end of the Academic Year by re-employment. But, there are two conditions for reemployment. One is that the conduct of the Teacher should be satisfactory and second is the Teacher has got the physical fitness to handle the classes.



7. In view of the above reasons, the writ petition is disposed of and the impugned order of the fifth respondent in Oo.Mu.No. 1363/A6/2024 dated 03.04.2024 is set aside and the fifth respondent is directed to pass orders to re-employ Sr.A.Elizabeth Rani till the end of the Academic Year 2023-24 as requested by the petitioner and pass orders within a period of two weeks from the date of the order. No costs. Consequently, the connected miscellaneous petition is closed.”



W.P.(MD)No.17844 of 2024

7. In view of the above, the writ petition is **allowed** and the impugned order of the fifth respondent in C.M.Lr.No.3/2024-2027, dated 23.07.2024, is set aside and the fifth respondent is directed to permit the petitioner to continue in service as Headmistress in the fourth respondent school, viz., LMS Boys Higher Secondary School, Marthandam, Kanyakumari District till the end of the academic year 2024-2025 with all attendant benefits as requested by the petitioner and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

30.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Kanyakumari District at Nagercoil - 629 001.

3.The District Educational Officer (Secondary),
Marthandam - 629 165,
Kanyakumari District.



W.P.(MD)No.17844 of 2024

4. The Correspondent,
LMS Boys Higher Secondary School,
Marthandam - 629 165,
Kanyakumari District.

5. The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71a Dennis Street,
Nagercoil - 629 001.



WEB COPY



W.P.(MD)No.17844 of 2024

R.N.MANJULA, J.

TSG

W.P.(MD)No.17844 of 2024

30.07.2024