



W.P.(MD)No.16762 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.16762 of 2018

and

W.M.P.(MD)Nos.14837 & 14838 of 2018

P.Vijayaraghavan

... Petitioner

/Vs./

1.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai, DPI Campus,
College Road, Nungambakkam,
Chennai – 600 006.

2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Sara Siksha Abiyan,
Pudukottai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent dated 16.07.2018 and quash the same and consequently direct the respondents to provide re-employment / extension of service till the end of the academic year i.e. from 01.08.2018 to 31.05.2019 with all consequential benefits and allow



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the petitioner to work continuously as Block Resource Teacher Educator in the Block Resource Centre, Pudukottai.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

This writ petition has been filed challenging the order dated 16.07.2018 passed by the second respondent returning the proposal sent by the Supervisor of the Block Resource Centre, Pudukkottai, recommending the request of the petitioner for re-employment or extension of service till the end of the academic year i.e. from 01.08.2018 to 31.05.2019.

2. Under the impugned order, the second respondent has stated that no such extension of service would be given to the Block Resource Teacher Educator, for which post, the petitioner is seeking for re-employment or extension of service till the end of the academic year. In this writ petition, a consequential direction has also been sought for by



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the petitioner seeking for a direction to the respondents to provide re-employment / extension of service till the end of the academic year i.e. from 01.08.2018 to 31.05.2019 with all consequential benefits and allow the petitioner to work continuously as Block Resource Teacher Educator in Block Resource Centre, Pudukkottai.

3. At the time of admission of this writ petition in WP(MD)No. 16762 of 2018 and WMP(MD)No.14838 of 2018 filed by the petitioner, on 30.07.2018, the following interim direction was issued by this Court:-

“The petitioner's service as Block Resource Teacher Educator shall not be dispensed with from 01.08.2018 until further orders. It is made clear that the petitioner's service shall be utilised beyond 31.07.2018 by way of re-employment and in that case, necessary orders shall also be passed by the respondents.”

4. Aggrieved by the interim direction extracted supra, the respondents preferred a writ appeal in WA(MD)No.1633 of 2018 before the Division Bench of this Court. The Division Bench of this Court, by its order dated 08.01.2019 passed in CMP(MD)No.11921 of 2018 in



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WA(MD)No.1633 of 2018 granted an order of interim stay of the operation of the order dated 30.07.2018 passed by the learned Single Judge in WP(MD)No.16762 of 2018 and WMP(MD)No.14838 of 2018 until further orders. In the said order, it was also made clear by the Division Bench of this Court that incase the writ petition is allowed, the appellant therein shall pay the benefits to the respondent, who is the petitioner herein. Liberty was also granted to the respondent / petitioner to move the Registry to list the writ petition.

5. Despite the aforesaid direction granting liberty to the petitioner herein to move the Registry to list the writ petition, the writ petition is listed before this Court only in the year 2024. It is also not known as to what steps the petitioner had taken with the Registry for the early listing of this writ petition.

6. Subsequent to the passing of the interim order by the Division Bench of this Court on 08.01.2019, a final order has also been passed in the main writ appeal in WA(MD)No.1633 of 2018 by the Division Bench of this Court on 04.12.2020, under which the writ appeal filed by the



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respondents herein was allowed. However, a request is made to the learned Single Judge of this Court, to dispose of the writ petition in WP(MD)No.16762 of 2018, which is the subject matter for hearing today as expeditiously as possible.

7. Despite the aforesaid direction, the matter is being heard only now, ie., only in the year 2024. Admittedly, the petitioner had only requested for being re-employed to the said post only till the end of the academic year ie., in the year 2018. In this writ petition as well, a consequential prayer has been sought for by the petitioner only to direct the respondents to re-employ the petitioner only till the end of the academic year i.e. from 01.08.2018 to 31.05.2019.

8. The learned counsel appearing for the petitioner would further submit that the act of the respondents in not re-employing the petitioner is arbitrary and illegal and he would submit that despite the fact that the period for which re-employment was sought for has come to an end, the petitioner is still having the right to be re-employed as per the contentions raised by him in this writ petition.



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9. However, this Court is of the considered view that when the petitioner had requested for re-employment only for the period from 01.08.2018 to 31.05.2019 and the relief sought for in this writ petition is also only for the said period and the said period having come to an end, the question of entertaining this writ petition in the year 2024, when the period came to an end in the year 2018 itself, does not arise. If at all the petitioner is having any grievance with regard to the improper act of the respondents in not re-employing him for the aforesaid period, he will have to file a fresh writ petition by stating the fact as to how he is still entitled to prosecute his grievance. In this writ petition, such a relief cannot be granted, as the prayer in this writ petition makes it clear that the relief pertains only to non re-employment of the petitioner for the period from 01.08.2018 to 31.05.2019 and the said period having come to an end, this Court cannot entertain this writ petition.

10. For the foregoing reasons, this writ petition is disposed of, in view of the fact that the prayer sought for in this writ petition cannot be granted at this belated stage. However, liberty is granted to the petitioner



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if he is so advised to redress his grievance with regard to his non re-employment for the period from 01.08.2018 to 31.05.2019 by filing a separate writ petition in the manner known to the petitioner under law. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
NCC : Yes / No
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TO:-

- 1.The Joint Director of School Education (Personnel),
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Chennai – 600 006.
- 2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.16762 of 2018

Dated:
24.09.2024