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W.P.Nos.15513 and 22112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.Nos.15513 and 22112 of 2025

and

W.M.P.Nos.17524, 17525, 24875, 24876 and 24877 of 2025

W.P.Nos.15513 of 2025

Janakiraman Suresh

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By Additional Chief Secretary to Government,
Higher Education (F1) Department,
Ministry of Higher Education, Fort St.George,
Chennai – 600 001.

2. The Commissioner of Collegiate Education,
No.577, Anna Salai, Saidapet,
Chennai – 600 015.

3. The Regional Joint Director of Collegiate Education,
Department of Higher Education,
Government of Tamil Nadu,
No.268, Palam Station Road,
Ganapathy Silks Opposite, Sellur,
Madurai – 625 002.

... Respondents



W.P.Nos.15513 and 22112 of 2025

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for records of impugned enquiry report dated 04.07.2022 of the fifth respondent and quash the same as illegal, arbitrary and non-est in law.

For Petitioner : Mr.Abhinav Parthasarathy

For Respondents : Mr.C.Jayaprakash,
Government Advocate

W.P.Nos.22112 of 2025

A.Sugumaran

... Petitioner

Vs.

1. The Principal Secretary to Government,
Higher Education Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2. The Director of Collegiate Education,
577, Anna Salai, Saidapet,
Chennai – 600015.

3. The Regional Joint Director,
Office of the Regional Joint Director of Collegiate Education,
Vellore Region, No.43, 1st West Cross Street,
Gandhi Nagar, Vellore – 632006.

... Respondents



W.P.Nos.15513 and 22112 of 2025

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to G.O.(Ms).No.192, Higher Education (F1) Department, dated 12.11.2024, issued by the first respondent and quash the same as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India insofar as it excludes Principal Grade II from the benefit of re-employment till the end of the academic year upon attaining the age of superannuation and consequently, direct the second respondent to permit the petitioner, who is due to retire on 31.07.2025, to continue in service as Principal Grade II at Government Arts College, Uthiramerur, till the end of the academic year 2025-2026, i.e., until 31.05.2026, in the interest of justice and equity.

For Petitioner : Mr.A.K.Rajaraman

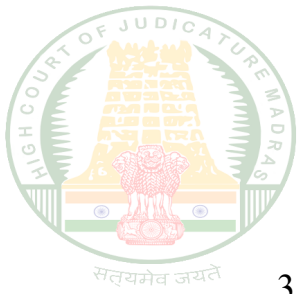
For Respondents : Mr.C.Jayaprakash,
Government Advocate

COMMON ORDER

These Writ Petitions have been filed challenging the impugned G.O.(Ms).No.192, Higher Education (F1) Department, dated 12.11.2024, issued by the first respondent.

2. The issues involved in both the Writ Petitions are one and the same.

Hence, they are taken together for common disposal.



W.P.Nos.15513 and 22112 of 2025

WEB COPY

3. The brief facts which are necessary for the disposal of these Writ Petitions are that the petitioners in both cases are Principals. In both Writ Petitions, G.O.(Ms).No.192, Higher Education (F1) Department dated 12.11.2024, issued by the first respondent, is challenged as being illegal, arbitrary, and in violation of Articles 14 and 21 of the Constitution of India. According to the petitioners, they are retiring on 31.07.2025. As per G.O.(Ms).No.188, Higher Education (F1) Department dated 23.09.2022, the Government permitted re-employment to Principals, Teachers, including College Librarians, Physical Directors, and Joint Directors working in Government/Government-aided colleges, till the last day of the academic year, i.e., 30th April, for those who are retiring on attaining the age of superannuation in the middle of the academic year, subject to certain conditions. However, such re-employment was withdrawn vide G.O.(Ms).No.192, Higher Education (F1) Department dated 12.11.2024, as against Principal Grade-I, Principal Grade-II, College Librarians, and Directors of Physical Education, who are engaged in administrative jobs, and to allow them to retire on the last day of the month during which they are attaining the age of superannuation, which is under challenge in these Writ Petitions.



W.P.Nos.15513 and 22112 of 2025

WEB COPY

4. Heard the learned counsel for both sides and perused the materials available on record.

5. The learned counsel for the petitioners would vehemently contend that the discrimination between the teaching staff and Principals has no rationale, and that Principals are also undertaking teaching duties. Therefore, the exclusion of Principals vide G.O.(Ms).No.192, Higher Education (F1) Department dated 12.11.2024, is without any basis. It is the further submission of the learned counsel for the petitioners that there is no distinction between Principals and Professors, and that there is no pay parity between these two posts. According to the petitioners, at best, a Principal may be the first among equals, who may have some peripheral administrative duties.

5.1. It is the further submission of the learned counsel for the petitioner that since the Principals are ordained to attend to some peripheral administrative duties, the same cannot be put against them so as to deny re-employment. In support of their contentions, the learned counsel for the



W.P.Nos.15513 and 22112 of 2025

WEB COPY

petitioners relied upon the judgment of the High Court of Delhi in ***T.R. Srinivasan and Ors. vs. Indira Gandhi National Open University and Ors.***, reported in ***MANU/DE/8311/2023***, and the judgment of the High Court of Patna in ***Raj Kumar Mazumdar and Ors. vs. The State of Bihar and Ors.***, reported in ***MANU/BH/0885/2021***.

6. Per contra, the learned Government Advocate appearing for the respondents would contend that the Principals are performing administrative functions, and any incidental involvement in teaching does not override the classification made by the Government. He would further submit that when such a decision is a policy decision of the Government, after having elaborate deliberations with stakeholders, this Court, while exercising the power of judicial review, cannot interfere with it. He would also submit that the question of re-employment is not a fundamental right to be sought as a matter of right. Apart from that, there is no impact on students in view of the petitioners' superannuation. In support of his contentions, the learned Government Advocate relied upon the judgment of the Division Bench of this Court in ***Director of School Education vs. K.R. Komalam (W.A.No.259 of 2020 batch cases dated 10.12.2021)***. Hence, he prayed for dismissal of



W.P.Nos.15513 and 22112 of 2025

these Writ Petitions.

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7. I have given my anxious consideration to either side submissions.

8. The short point to be considered is whether the denial of re-employment to the Principals on the ground of classification of the post of Principals as being administrative in nature is in accordance with the law. Before this Court delves into the merits of the matter, this Court deems it appropriate to extract the relevant portion of G.O.(Ms).No.192, Higher Education (F1) Department dated 12.11.2024, which reads as follows:-

“7. In the Government Order seventh read above, general orders have been issued, allowing re-employment to Principals/Teachers including College Librarian, Physical Directors and Joint Directors working in Government/Government Aided Colleges, till the last day of the academic year i.e., 30th April, for those who are retiring on attaining the age of superannuation in the middle of the academic year, subject to the following conditions:-

(i) During the period of re-employment, they shall draw such pay as together with their pension and pension equivalent to Death-Cum-Retirement Gratuity and the amount shall not exceed the pay last drawn by them at the



WEB COPY



W.P.Nos.15513 and 22112 of 2025

time of their retirement, vide Rule 44 of the Tamil Nadu Pension Rules, 1978.

(ii) Any amount of over payment pertaining to the pre-retirement period shall be recovered, by adjustment of the pay and allowances, admissible to them, during the period of re-employment.

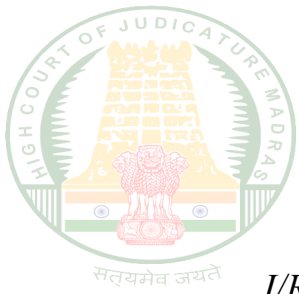
(iii) Their behaviour and conduct of work should continue to be satisfactory.

(iv) Disciplinary/Criminal /Directorate of Vigilance and Anti-Corruption cases shall not have been contemplated or pending against the re-employed officer.

(v) Their health condition should be normal.

(vi) Their service shall be liable for termination at one month's notice, on either side, within the specified terms. Provided that it shall not be necessary for the authority which sanctioned the re-employment to give the notice of one month referred to above, to the re-employed officer, if the services are terminated on the ground of moral turpitude.

and also delegating the power to Director of Collegiate Education for sanctioning of re-employment to college teachers up to Principal Grade-II, including Director of Physical Education and Librarians from the date of superannuation, till the last day of the academic year (ie) 30th April of the year and to send the proposals for re-employment of Principal Grade-



W.P.Nos.15513 and 22112 of 2025

WEB COPY

I/Regional Joint Directors of Collegiate Education/Joint Directors of Collegiate Education to the Government as per the procedure in existence.

8. The Government after careful examination of the request of the Convener, Joint Action Council of College Teachers (JAC), Tamil Nadu in letter eighth read above and the request of the Director of Collegiate Education in letter ninth read above, issue a general order.

(a) dispensing with re-employment of Joint Directors, Regional Joint Directors, Principals Grade-I, Principals Grade-II, College Librarians and Directors of Physical Education, who are engaged in administrative nature of job and to allow them to retire on the last day of the month during which they attain the age of superannuation

and

(b) allowing re-employment only to Teaching staff, who are really involved in imparting quality education to the students, who attain the age of superannuation during the middle of the academic year, till the close of the academic year i.e., 31st of May, subject to the following conditions:-

(i) nothing adverse has been reported against the faculty.

(ii) the faculty has made exemplary contribution in imparting education to the student community.

(iii) the re-employment shall be decided by the



WEB COPY



W.P.Nos.15513 and 22112 of 2025

Director of Collegiate Education based on the recommendations of the respective Principals.

(iv) During the period of re-employment, they shall draw such pay as together with their pension and pension equivalent to Death-Cum-Retirement Gratuity and the amount shall not exceed the pay last drawn by them at the time of their retirement, vide Rule 44 of Tamil Nadu Pension Rules, 1978.

(v) Any amount of over payment pertaining to the pre-retirement period shall be recovered, by adjustment of the pay and allowances, admissible to them, during the period of re-employment.

(vi) Their behaviour and conduct of work should continue to be satisfactory.

(vii) Disciplinary/Criminal/Directorate of Vigilance and Anti-Corruption cases shall not have been contemplated or pending against the re-employed officer.

(viii) Their health condition should be normal.

(ix) Their service shall be liable for termination at one month's notice, on either side, within the specified terms. Provided that it shall not be necessary for the authority which sanctioned the re-employment to give the notice of one month referred to above, to the re-employed officer, if the services are terminated on the ground of moral turpitude.”

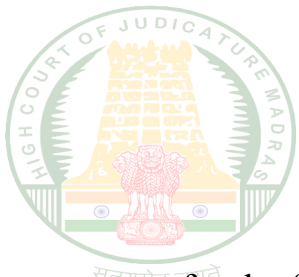


W.P.Nos.15513 and 22112 of 2025

WEB COPY

9. While looking at the said Government Order, it is amply clear that vide G.O.(Ms).No.188, Higher Education (F1) Department dated 23.09.2022, which is referred to in paragraph 7 of the above Government Order, the Principals were also allowed for re-employment, but subsequently, the impugned Government Order dispensed with it. While dispensing with it, it is stated that those who are engaged in administrative jobs may be allowed to retire on the last day of the month during which they attain the age of superannuation.

10. The learned counsel for the petitioners would submit that the Principals are also doing teaching work, though they may have some peripheral administrative duties. In support of his contention, they would submit that there is definition in the Madras University Act to define Principals as Heads of Colleges, and the learned counsel for the petitioners also refers to the Tamil Nadu University Act, where 'teachers' means Professors, Readers, Lecturers, Tutors, Fellows, and other like persons as may be declared by the statutes to be teachers. Therefore, they would contend that there is no distinction between Professors and Principals, except



W.P.Nos.15513 and 22112 of 2025

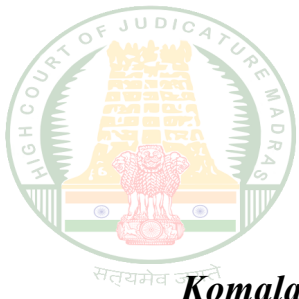
for the fact that a Principal is the Head of the College.

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11. To substantiate that the Principals should also be termed as teachers, the learned counsel for the petitioners relied upon the judgment of the High Court of Patna in ***Raj Kumar Mazumdar's case*** cited supra, where it was held that Principals would come under the definition of teachers. Now, we are not deciding, whether a Principal comes within the definition of a teacher or not, but we have to see, whether Principal's primary duty is teaching or administration.

12. While looking at the counter affidavit of the respondents, it is stated that the Government has revised the policy through the impugned Government Order after considering the evolving academic and administrative needs and also after deliberations with the stakeholders. According to the respondents, the Principals are incidentally involved in teaching.

13. At this juncture, it is appropriate to refer to the judgment of the Division Bench of this Court in ***Director of School Education vs. K.R.***



W.P.Nos.15513 and 22112 of 2025

WEB COPY

Komalam (W.A.No.259 of 2020 batch cases dated 10.12.2021), wherein this Court, while answering the question whether the request for re-employment is a matter of right or based upon the policy decision of the State, relied upon the judgment of an earlier Division Bench of this Court in W.A.(MD).No.107 of 2020 dated 16.03.2021 and ultimately held in paragraph 23 as follows:-

“23.The Coordinate Bench of this Court in W.A.No.107 of 2020 dated 16.03.2021 has categorically held that G.O(Ms).No.261, School Education Department, dated 20.12.2018, the Government has taken a policy decision to the effect that the teachers who attained superannuation during the middle of the academic year, will not be entitled to reemployment, when there are surplus teachers. The Coordinate Bench has further held that the reemployment is not a matter of right and once the teacher attains the age of superannuation, the relationship between master and servant ceases. The Coordinate Bench has further held that the reemployment is a fresh employment and when a permission is sought to re-employ a Government teacher or a teacher of an aided institution, conditions will always be attached. We are in respectful agreement with the findings of the Coordinate Bench.”



W.P.Nos.15513 and 22112 of 2025

WEB COPY

14. It is pertinent to mention here that when the Government takes a policy decision, this Court cannot either interfere in a different way or go contrary to it. While looking at the trajectory of the Government policy, originally the Government had ordered for re-employment, subsequently cancelled it, and thereafter again reintroduced re-employment, and through the impugned Government Order, certain posts were excluded from re-employment. According to the respondents, such a decision was taken into consideration of the evolving academic and administrative needs, and that too, after deliberation with the stakeholders.

15. While analysing this issue, this Court must look at the perspective of a student and determine whether superannuation in the middle of the academic year will affect the student. When the Government says that Principals have more administrative duties than teaching, the same needs to be accepted, as it is the statement of the Government who manages the colleges and assigns duties and responsibilities to Principals. When the Government takes a policy decision that administrative posts need not be re-employed, while exercising the power of judicial review, this Court cannot have any ground to interfere with the same.



W.P.Nos.15513 and 22112 of 2025

WEB COPY

16. Though it was contended that Principals and Professors come within the same category, and therefore, there cannot be any discrimination between the same set of people, this contention could not be accepted, after the respondent's statement that Principals are mainly doing administrative functions, as they are the employer and fixing duties and responsibilities upon their employees. Therefore, this Court does not find any merit in these Writ Petitions.

17. In the result, these Writ Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

22.07.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



W.P.Nos.15513 and 22112 of 2025

WEB COPY

To

1. The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Higher Education (F1) Department,
Ministry of Higher Education, Fort St.George,
Chennai – 600 001.
2. The Commissioner of Collegiate Education,
No.577, Anna Salai, Saidapet,
Chennai – 600 015.
3. The Regional Joint Director of Collegiate Education,
Department of Higher Education,
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W.P.Nos.15513 and 22112 of 2025

C.KUMARAPPAN, J.

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W.P.Nos.15513 and 22112 of 2025

22.07.2025