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W.P.No.25988 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.25988 of 2025

A.Saminathan

... Petitioner(s)

Vs.

1.The Director of Elementary Education
Chennai 600 006.

2.The District Educational Officer,
(Primary Education), Salem District at Salem.

3.The Block Educational Officer (2)
Thalaivasal- 636 112
Salem District.

... Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to re-employ the petitioner as Secondary Grade Teacher, till the completion of academic year 2025-2026 in view of non-declaration of the petitioner's post as Surplus Teacher by the respondents and to pass and pass such orders accordingly.



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For Petitioner : Mr. K. Premkumar
For Respondents : Mrs.S. Mythreye Chandru
Special Government Pleader

ORDER

The instant writ petition has been filed with a prayer for issuing a Mandamus to direct the respondents to re-employ the petitioner as Secondary Grade Teacher, till the completion of academic year 2025-2026 in view of non-declaration of the petitioner's post as Surplus Teacher by the respondents and to pass and pass such orders accordingly.

2.The learned counsel for the petitioner would submit that the petitioner served in Education Department and was due retired on 30.06.2025. Since the petitioner retired in the middle of the academic year, he is eligible to reemploy till the completion of academic year 2025-2026. In this connection, the petitioner has sent representation dated 24.06.2025. The said representation was considered and rejected the request of the petitioner vide order dated 30.06.2025. He further contended that by virtue of G.O.(Ms) 155 dated 28.06.2022, the petitioner is entitled for issuance of mandamus for re-employment.



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3.At this Juncture, the Special Government Pleader vehemently contended that reemployment is not a matter of right and the same will not ensure any right upon this petitioner. In this connection, he relied upon Judgment dated 10.12.2021 of the Division Bench of this Court in the batch of W.A. No.259 of 2021.

4.While looking at the affidavit filed by the petitioner, in paragraph No.7, he has averred as follows:

" I state that without considering my request for several months, the 3rd respondent passed as order in Na.Ka.No.24/A2/2025 dated 30.06.2025 and the same was served on me on the date of retirement ie. 30.06.2025.

The petitioner himself is categorically admitted that the petitioner's representation has been considered on 30.06.2025. However, he failed to produce the same in the present writ petition. Therefore, this Court finds it difficult that on what reasons the same was rejected.

5.In such view of the position, this Court deems it appropriate to give liberty to the petitioner to challenge the impugned order dated 30.06.2025 in accordance with law.



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C.KUMARAPPAN, J.

Lbm

6. With the aforesaid directions, the Writ petition is disposed of.

No costs.

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

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