



W.P.No. 27602 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE A.D. JAGADISH CHANDIRA

W.P.No. 27602 of 2025

&

W.M.P.No. 30920 of 2025

M.Chandran

...Petitioner

Vs.

1.The Chief Educational Officer,
Kanchipuram.

2.The Secretary / Correspondent
WT Masilamani Mudaliar Higher Secondary School,
Walajabad - 631 605.

...Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, seeking Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent - the Secretary / Correspondent, W.T. Masilamani Mudaliar Higher Secondary School, Walajabad, Kanchipuram District,



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proceedings Na.Ka.No.33/2025 dated 08.07.2025 rejecting the petitioner's request of re-employment / extension of service till the academic year i.e., 31.05.2026 quash the same and direct the 2nd respondent to permit the petitioner to continue till the end of the academic year i.e. 31.05.2026.

For Petitioner : Mr. S.Giridharan

For Respondent 1: Mrs. Mythreye Chandru
Special Government Pleader
(Education)

For Respondent 2: Mr. G.Sankaran
Senior Counseling
For Mr. S.Bharathi Rajan.

ORDER

The Writ Petition is filed for the relief of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent - the Secretary / Correspondent, W.T. Masilamani Mudaliar Higher Secondary School, Walajabad, Kanchipuram District, in proceedings Na.Ka.No.33/2025 dated 08.07.2025 rejecting the petitioner's request of re-employment / extension of service till the academic year i.e., 31.05.2026, quash the same and direct the 2nd respondent to permit the petitioner to continue



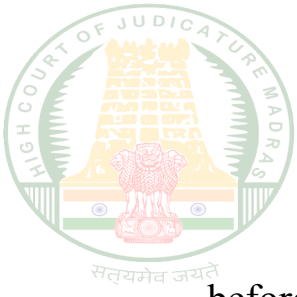
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till the end of the academic year i.e. 31.05.2026.

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2. The petitioner is working as a Post Graduate Teacher (Economics) in the 2nd respondent school, which is a recognised private school as defined under Section 2 (7) of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1974. The school is receiving aid from the Government.

3. The case of the petitioner is that he is about to be superannuated on 31.08.2025; as per GO.Ms.No.115, Education Department, dated 28.06.2022, if his conduct and character are satisfactory and if he is physically fit to continue in service, the petitioner has a right of extension of service / re-employment till the end of the academic year; while so, the petitioner had sent a request seeking re-employment till the end of academic year; however, the 2nd respondent has passed the impugned order in Na.Ka.No.33/2025 dated 08.07.2025, rejecting the request of the petitioner.



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4. Challenging the impugned rejection order, the petitioner is before this Court.

5. Mr. S.Giridharan, learned counsel for the petitioner would submit that the petitioner has satisfied the conditions required under GO.Ms.No.115 dated 28.06.2022, i.e., the conduct and character of the teacher should be good and he should be physically fit to attend school. He would submit that the purpose of re-employment is to ensure that there is no interruption in the curriculum of the students.

6. The learned counsel for the petitioner would further submit that if at all the Management is not inclined to accept the request, rejection can be made only if the petitioner's conduct or character is not good and he is not physically fit for employment. He would contend that as on date, the post is vacant and no other teacher has been appointed till date and the school is utilising the service of the Headmaster. He would submit that due to non-extension of service of the petitioner and non-appointment of any other teacher, the students



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are put to great difficulty. Therefore, he would seek to set aside the impugned order. In support of his contentions, the learned counsel for the petitioner would rely upon the Judgment of this Court reported in ***(2008) 1 MLJ 312 – Correspondent, Secretary and Managing Trustee, Salem Vs., M.Rajagopalan and others.***

7. The respondents have filed their counter and made their respective submissions.

8. Mrs. S.Mythreye Chandru, learned Special Government Pleader (Education), appearing for the 1st respondent would submit that re-employment is not a matter of right. Further, the management has not sent a request seeking re-employment of the petitioner and in such circumstances, the 1st respondent cannot pay salary to the petitioner.

9. Mr. G.Sankaran, learned Senior Counsel, appearing for the 2nd respondent would submit that, the petitioner cannot claim re-employment as a matter of right. He would further submit that the



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petitioner has filed cases against the management. Therefore, since the situation was not conducive to have the petitioner in the 2nd respondent school, they have rejected the request. In support of his submission, he would rely upon the Judgement dated 16.03.2021 of a Division Bench of this Court in ***WA.(MD).Nos.107 of 2020 etc., batch.***

10. The learned counsel for the petitioner, in reply, would submit that the aforesaid case relied on by the learned Senior Counsel, will not be applicable to the case of the petitioner, since it was regarding re-employment of surplus teachers wherein this Court held that the Government cannot be made to pay salary for the surplus teachers and rejected the claim therein, stating that re-employment is not a matter of right.

11. Heard the learned counsel and perused the records.

12. The petitioner was to be superannuated on 31.08.2025 and he had sent a representation to the 2nd respondent on 02.06.2025 seeking



re-employment. Since there was no response, the petitioner had sent a representation to the 1st respondent on 27.06.2025.

13. Admittedly, on the date of request, there was no disciplinary proceedings pending against the petitioner and the petitioner has also not suffered any punishment. There was nothing to show that the petitioner's character and conduct were not good and that he was not fit to continue the work. However, the 2nd respondent has rejected the request of the petitioner stating that the petitioner has filed cases against them.

14. This Court, in the Judgement reported in ***(2008) 1 MLJ 312 – Correspondent, Secretary and Managing Trustee, Salem Vs., M.Rajagopalan and others***, has observed as follows:

“2.The right to continue on re-employment till the end of academic year conferred on the teachers working in the Schools either Government or private, both minority or non-minority, has already been upheld by a Division



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Bench of this Court in WA.No.1179 of 1993 – S.Sundaram Vs. Secretary, CSI Diocese of Madras, and the SLP preferred against the same was also dismissed. The ratio laid down by the Supreme Court has been consecutively followed by this Court in R.Muthukrishnan Vs. Secretary, Aided Middle School, Korranattu Karupur, Kumbakonam and the District Elementary Educational Officer, Tanjavur, vide 1998 WLR 77.

3.1.In S.Sundaram Vs. Secretary, CSI Diocese of Madras (supra), where the teacher was not permitted to avail the benefit of re-employment after his superannuation, the Division Bench directed the management and authorities to pay monetary benefits in terms of salary payable to him till the end of the academic year.

3.2.The only contention made on behalf of the appellant / Management is that the first respondent had not even made request for re-employment after



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superannuation and therefore, he cannot make any complaint against the appellant / Management. But similar contention was rejected by the Division Bench in the S.Sundaram v. Secretary CSI Diocese of Madras (supra), whereunder it is held as follows:

“..... We must point out here that as per the Government Order, there is no question of any teacher asking for continuation. The Government Order specifically states that the institutions are to continue them till the end of academic year, provided the teacher satisfies the three conditions laid down in the Government Order, GO.Ms.No.452, dated 24.03.1970, which has been followed in subsequent Government Orders.”

3.3.In the above cases, where the teacher was not permitted to avail the benefits of re-employment after superannuation, the Division Bench further held as hereunder:

“.....It is brought to our notice that in some of the



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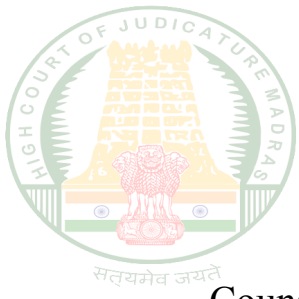


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cases, the teachers have worked for a certain period and thereafter, they are not continued. Therefore, we direct that the Management shall pay the salary to all the teachers in question from the date of superannuation of each of the teachers till the end of that academic year in which they attained the age of superannuation, less the salary, if any, already paid for any part of the period. The State Government shall also sanction the salary bills prepared as directed above, and forwarded by the schools.”

4.The decision of the Division Bench rendered in the S.Sundaram v. Secretary, CSI Diocese of Madras (supra), squarely applies to the facts of the present case.

5.We are therefore of the considered opinion that unless the teacher is found unfit medically or on account of his or her conduct, he/she is entitled to continue till the end of the academic year.”



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15. Insofar as the Judgment relied upon by the learned Senior Counsel for the 2nd respondent, the teachers referred to therein were surplus teachers and the said case will not be applicable to the facts of the present case.

16. Admittedly, no teacher has been appointed in the 2nd respondent school to take classes in Economics, which puts the students in great hardship and the 2nd respondent has also rejected the petitioner's request. This would go to show that only owing to the egoistic attitude of the 2nd respondent, the petitioner was denied re-employment. Therefore, the impugned order deserves to be quashed.

17. Accordingly, the impugned order is quashed and the respondents are directed to re-employ the petitioner in the 2nd respondent school, till the end of the academic year. The respondents shall comply with the guidelines made in GO.No.261, School Education Department, dated 20.12.2018 and ensure that the salary of the petitioner is paid till the end of the academic year 2025 – 2026.



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The respondents shall also ensure that the petitioner is given all other emoluments, till the end of the academic year 2025 – 2026.

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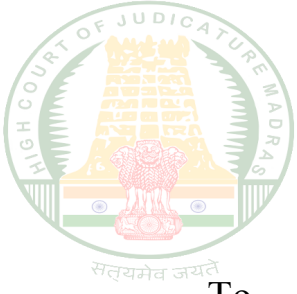
18. With the above observation and direction, the Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No

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Note: Issue order copy by 17.10.2025.



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To

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Kanchipuram.

2.The Secretary / Correspondent
WT Masilamani Mudaliar Higher Secondary School,
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A. D. JAGADISH CHANDIRA, J.

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