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W.A. No.2405 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.A. No.2405 of 2025
and
C.M.P. No.18366 of 2025 in W.A. No.2405 of 2025

A.Sugumaran

... Appellant

Vs.

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

2.The Director of Collegiate Education,
577, Anna Salai, Saidapet,
Chennai – 600 015.

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 - 632 006

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent, 1865 against the order dated 22.07.2025 made in W.P.No.22112 of 2025.

For Appellant : Mr.A.K.Rajaraman

For Respondents: Mr.D.Ravichander,
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by
HEMANT CHANDANGOUDAR, J.,]

This intra-Court appeal is directed against the order dated 22.07.2025 in W.P.No.22112 of 2025 passed by the learned Single Judge. By the said order, the writ petition filed by the appellant herein challenging the Government Order bearing reference G.O.(Ms).No.192, Higher Education (F1) Department, dated 12.11.2024—whereby re-employment of Principals Grade-I and Grade-II, among other college personnel engaged in administrative duties, was dispensed with and they were directed



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to retire on the last day of the month in which they attain the age of superannuation was dismissed.

2. FACTUAL BACKGROUND:

2.1 The appellant is serving as a Principal (Grade II) at Government Arts College, Uthiramerur. The Government had earlier issued an order dated 28.06.1976, followed by subsequent Government Orders, permitting re-employment of Principals/Teachers, including College Librarians, Physical Directors, and Joint Directors working in Government and Government-Aided Colleges, up to the last day of the academic year, i.e., 30th April.

2.2. Subsequently, the Government issued G.O.(Ms).No.192 dated 12.11.2024, dispensing with re-employment of Principals who are solely entrusted with administrative duties.

2.3. The appellant, apprehending that he would not be granted re-employment until the end of the academic year, approached this Court by filing the above-captioned writ petition. The learned Single Judge dismissed the writ petition on the



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ground that Principals, although classified as teachers, are primarily entrusted with administrative responsibilities, and re-employment is not a matter of right but a policy decision of the Government. Aggrieved thereby, the present writ appeal has been filed.

3. Mr. A.K.Rajaraman, learned counsel on record for the appellant, submitted that the appellant, as Principal, is not only entrusted with administrative duties but also discharges teaching responsibilities. He, therefore, falls within the ambit of the definition of 'Teacher'. It was further submitted that the impugned Government Order is applicable only to Principals exclusively entrusted with administrative functions, and not to those who are also involved in teaching. Hence, the appellant is entitled to re-employment until the end of the academic year.

4. Issue notice to the respondents.



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5. Mr. D. Ravichander, learned Special Government Pleader, accepts notice on behalf of the respondents. With the consent of learned counsel for the appellant and the learned State counsel, the writ appeal is taken up for final disposal at the stage of admission itself.

6. Learned State counsel submitted that the appellant is only entrusted with administrative functions and not with any teaching work and, therefore, does not qualify as a 'Teacher'. He further submitted that the appellant carries only a minimal workload and cannot be construed as a teaching staff member. In support of his contention, he relied on G.O.(Ms).No.5, Higher Education (H1) Department, dated 11.01.2021, which adopted the UGC Regulations, 2018. He contended that the role of a teacher is to impart education to students, whereas the role of the Principal is primarily administrative in nature.



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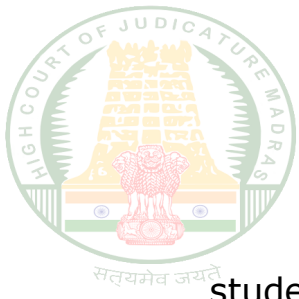
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7. We have heard the learned counsel for both parties and perused the records.

8. The short point that arises for consideration in this appeal is *'whether the appellant is entitled to re-employment in light of Government Order dated 12.11.2024 bearing reference in G.O.Ms.No. 192, Higher Education (F1) Department.'*

9. The Petitioner is the Principal (Grade II) at Government Arts College, Uthiramerur and admittedly entrusted with administrative and teaching responsibilities .

10. The Government had earlier issued an order dated 28.06.1976, followed by several subsequent Government Orders, including G.O. dated 23.09.2022, wherein Principals/Teachers, including College Librarians, Physical Directors, and Joint Directors in Government and Government-Aided Colleges, were permitted to be re-employed until the last day of the academic year (i.e., 30th April). These Orders were issued in the interest of



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students, whose education would otherwise be adversely affected by the retirement of teaching staff during the academic year.

11. However, the impugned Government Order dated 12.11.2024 dispensed with the re-employment of Principals who are solely engaged in administrative duties and allowed re-employment only of teaching staff directly involved in imparting quality education, subject to certain conditions, until the end of the academic year, i.e., 31st May.

12. A plain reading of Paragraph 8(a) of the Government Order dated 12.11.2024 reveals that the order applies only to Principals who are exclusively performing administrative functions and not to those who also engage in teaching. Therefore, the impugned Government Order is not applicable to Principals who discharge both teaching and administrative duties. Accordingly, the appellant's apprehension that he would be denied re-employment upon reaching the age of superannuation is without basis.

13. The appellant herein, as Principal, not only oversees the



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administration of the college but also is engaged in teaching, and the same is not disputed. Therefore, he qualifies as a member of the teaching staff and cannot be excluded from the benefit of re-employment extended to teachers under the impugned Government Order. Denying him re-employment would necessitate the appointment of an In-charge Principal until a permanent replacement is found, thereby disrupting both administrative functioning and academic continuity, ultimately undermining the very objective behind permitting re-employment.

14. The extension of the benefit of re-employment is not a matter of legal right; however, any such decision must be guided by the principles of fairness, reasonableness, and transparency. While the power to grant re-employment is discretionary, it cannot be exercised in an arbitrary, capricious, or discriminatory manner. The exclusion of a Principal who is also entrusted with teaching responsibilities would be arbitrary and discriminatory.

15. In light of the foregoing discussion, we hold that the



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appellant is entitled to re-employment as Principal under the impugned Government Order. However, we do not interfere with the order of the learned Single Judge insofar as the validity of the Government Order itself is concerned. Nevertheless, the observation made by the learned Single Judge to the effect that the appellant is not entitled to re-employment warrants interference.

16. Accordingly, the following order is passed:

- i. The writ appeal is allowed in part;
- ii. The order of the learned Single Judge dated 22.07.2025 in W.P.No.22112 of 2025 is modified to the extent that the observation in paragraph 15 of the said order is set aside;
- iii. The appellant is declared entitled to re-employment as Principal, at Government Arts College, Uthiramerur, in accordance with G.O.(Ms).No.192, Higher Education (F1) Department, dated 12.11.2024;
- iv. The appellant's prayer seeking quashing of G.O.(Ms).No.192, Higher Education (F1) Department,



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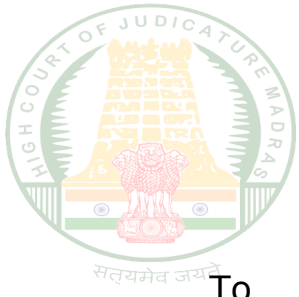
dated 12.11.2024 is rejected. To this extent, the order of the learned Single Judge is upheld;

- v. The second respondent is directed to permit the appellant, who is due to retire on 31.07.2025, to be re-employed as Principal (Grade II), at Government Arts College, Uthiramerur, until the end of the academic year 2025–2026, i.e., 31.05.2026, in accordance with the terms of the impugned Government Order;
- vi. The connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.) (H.C.J.)
30.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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To
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- 1.The Principal Secretary to Governemnt
Higher Education Department,
Secretariat
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Chennai - 600 009
- 2.The Director of Collegiate Education,
577, Anna Salai, Saidapet,
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**M.SUNDAR, J.,
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HEMANT CHANDANGOUDAR, J.,**

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