



W.P. No.36072 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.36072 of 2025

A.Solomon

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Petitioner

vs.

1. The State Of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai 9.

2.The Director Of School Education,
DPI Campus,
College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Cuddalore District, Cuddalore.

4.District Educational Officer,
Viruddhachalam Taluk,
Cuddalore District.

5.The Correspondent,
Danish Mission Higher Secondary
School,
Viruddhachalam 606 001.

6.The Head Master,
Danish Mission Higher Secondary
School,



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Viruddhachalam 606 001.

7.The Secretary,
The Arcot Lutheran Church,
ALC Central Office,
No. 9, ALC Campus,
Cuddalore 607001.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the 3rd respondent in proceedings Oo.Mu.No.10989/AA2/2025, dated 01.09.2025 quash the same as illegal,unlawful and against principles of natural justice and consequently direct the respondents to grant re-employment to the petitioner as B.T.Assistant (Social Science) in the 6th respondent school for the period from 01.09.2025 to 31.05.2026 with all monetary and service benefits to the petitioner within the time frame fixed by this Court.

For petitioner	: Mr.A.Saravanan
For respondents	: Mrs.S.Mythreye Chandru Special Government Pleader (E) (R1 to R4)

ORDER

This Writ Petition has been filed challenging the proceedings issued by the 3rd respondent in Oo.Mu.No.10989/AA2/2025, dated 01.09.2025 quash the same as illegal, unlawful and against principles of natural justice and consequently direct the respondents to grant re-employment to the petitioner as



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B.T.Assistant (Social Science) in the 6th respondent school for the period from 01.09.2025 to 31.05.2026, with all monetary and service benefits to the petitioner within the time frame fixed by this Court.

2. The facts in nutshell, placed before this Court by the petitioner, are as follows:

(i) The Petitioner was initially appointed by Arcot Lutheran Assistant Executive Committee as temporary P.G.Assistant teacher in the year 1993 and subsequently he was permanently appointed as B.T.Assistant (Social Science) in the Danish Mission Higher Secondary School, Nellikuppam and transferred to the 5th respondent School and joined there on 03.07.2012. Since then he was working there as B.T.Assistant (Social Science) and he was also incharge of Assistant Head Master from 05.10.2016. While being so, his superannuation fell on 31.08.2025, which is the middle of the academic year. Therefore, as per G.O. (Ms)No.261, School Education Department, dated 20.12.2018 and G.O.(Ms) No.115, School Education Department, dated 28.06.2022, the petitioner is entitled as well as eligible for re-employment till the end of the academic year i.e., upto 31.05.2026.

(ii) In this regard, the petitioner sent a representation to the official respondents through the 5th respondent on 07.07.2025. Subsequently, the 4th



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respondent recommended the case of the petitioner to the 3rd respondent vide its communication dated 28.08.2025. Pending the same, the 7th respondent vide letter dated 30.08.2025 made an objection to approve the re-employment of the petitioner. Based on the same, the 3rd respondent vide order dated 01.09.2025 rejected the request of the petitioner. In the said order, it is also stated that the petitioner school has already one surplus teacher in the cadre of B.T.Assistant as on 01.08.2025 and there is no provision to approve the re-employment of the petitioner. Challenging the impugned order passed by the 3rd respondent, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

3. The learned counsel appearing for the petitioner would submit that as per G.O.(Ms) No.261, School Education Department dated 20.12.2018, the petitioner is eligible for re-employment and the 7th respondent is having authority for appointment and transfer and not for extension of employment of the teachers, but the 3rd respondent without taking note of the same has rejected the request of the petitioner based on the objection of the 7th respondent. He therefore prays to set aside the same.

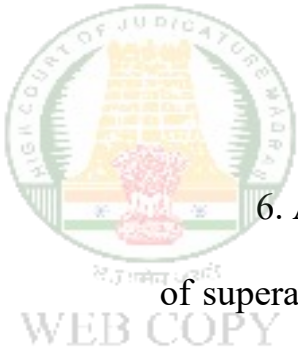
4. Per contra, the learned Special Government Pleader (E) appearing for the respondents 1 to 4 would submit that when the proposal for re-employment



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of the petitioner was pending before the 3rd respondent, the 7th respondent has made an objection for re-employment of the petitioner by stating that there is no provision to approve the re-employment of the petitioner. That apart, the school has already one surplus teacher in the cadre of B.T. Assistant as on 01.08.2025 and the petitioner was retired on superannuation on 31.08.2025 and as per clause 7(ii) of the G.O.(Ms) No. 261 School Education Department dated 20.12.2018, when surplus teachers are available, there cannot be any re-employment and the said G.O. was considered and upheld by the Division Bench of this Court in W.A.(MD) No.107 of 2020 dated 16.03.2021. The Division Bench of this Court has also held that re-employment is not a matter of right and once the teacher attains the age of superannuation, the relationship between the master and servant ceases and the same view has been taken by another Division Bench of this Court in W.A.Nos.259 of 2021 etc., batch dated 10.12.2021. Further, he would submit that the Secretary of the church board has rightly made an objection for re-employment of the petitioner. He therefore prays for dismissal of this Writ Petition.

5. Heard both sides. Perused the records.



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6. Admittedly, the petitioner was retired from service on attaining the age of superannuation on 31.08.2025. The 3rd respondent has passed the impugned order, rejecting the request of the petitioner for re-employment, based on the objection raised by the 7th respondent and also stated that there is already a surplus teacher in the Petitioner's school as on 01.08.2025. A perusal of clause 7(ii) of the G.O.(Ms) No. 261 School Education Department dated 20.12.2018, clearly shows that when surplus teachers are available, there cannot be any re-employment and the said G.O. was also upheld by the Division Bench of this Court in W.A.(MD) No.107 of 2020 dated 16.03.2021 and the similar view has been taken by another Division Bench of this Court in W.A.Nos. 259 of 2021 etc., batch. Such being the case, the petitioner is not eligible for re-employment and the 3rd respondent has rightly rejected the request of the petitioner.

7. In view of the aforesaid position, the Writ Petition filed by the petitioner sans merits and the same is liable to be dismissed and accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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WEB COPY

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M. DHANDAPANI, J.

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