



W.A.(MD) No.26 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.(MD) No.26 of 2020
and
C.M.P.(MD) Nos.315 & 1575 of 2020**

- 1.The State of Tamil Nadu
rep.by its Secretary to Government
School Education Department
Fort St.George, Chennai-600 009
- 2.The Director of School Education
College Road, Nungambakkam
Chennai-600 006
- 3.The Chief Educational Officer
Tuticorin
- 4.The Head Master
Government High School
Vijayapuri
Tuticorin District

... Appellants

-vs-

P.Rani

... Respondent



W.A.(MD) No.26 of 2020

WEB COPY

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 07.11.2019, passed in W.P.(MD) No.15514 of 2019, on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondent : Mr.C.Mahadevan

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The intra-court appeal on hand has been instituted challenging the writ order dated 07.11.2019, passed in W.P.(MD) No.15514 of 2019.

2. The State is the appellant before this Court.

3. The respondent / writ petitioner was holding the post of B.T.Assistant and retired from service on 30.06.2019 on attaining the age of superannuation. Extension of service period till the end of the academic year 2019-2020 was declined to the respondent mainly on the ground that surplus teachers were working in the school. Challenging the said decision, the writ



W.A.(MD) No.26 of 2020

WEB COPY

petition came to be instituted. The writ petition, though, was allowed, an order of interim stay was granted in the present writ appeal and the learned Additional Government Pleader would submit that the respondent was not allowed to continue after the date of superannuation i.e., 30.06.2019.

4. Extension of service period cannot be claimed as an absolute right. Extension of service to the teaching staff is granted only with an object to protect the interest of the children studying in the school. However, the scheme for extension of service period is to be implemented strictly in accordance with the terms and conditions issued in G.O.(Ms) No.261, School Education [PaKa5(2)] Department, dated 20.12.2018. Extension of service period cannot be extended, if the teacher, who sought for extension of service, is facing disciplinary proceedings, or surplus teachers are available in the school concerned or otherwise. Therefore, this Court is of the considered opinion that the Writ Court has not considered the scope of the terms and conditions for grant of extension of service period. Extension of service period being a concession to the teaching staff, the writ order deserves to be reversed. More so, the respondent was retired from service on 30.06.2019 and thereafter, she was not allowed to continue in service.



W.A.(MD) No.26 of 2020

WEB COPY

5. Accordingly, this writ appeal is allowed and the writ order dated 07.11.2019, passed in W.P.(MD) No.15514 of 2019, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]
17.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

- 1.The Secretary to Government,
School Education Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
Tuticorin.
- 4.The Head Master,
Government High School,
Vijayapuri,
Tuticorin District.



WEB COPY



W.A.(MD) No.26 of 2020

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

krk

W.A.(MD) No.26 of 2020
and
C.M.P.(MD) Nos.315 & 1575 of 2020

17.06.2025