



W.A.(MD)No.624 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD)No.624 of 2020

and

C.M.P.(MD)No.3958 of 2020

1.The Chief Educational Officer,
Sivagangai District.

2.The District Educational Officer,
Devakottai, Sivagangai District.

... Appellants

-Vs-

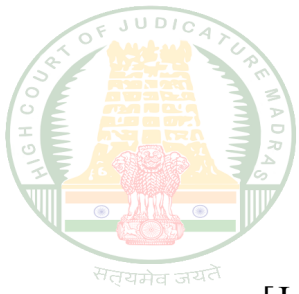
N.Murugan

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 18.11.2019 made in W.P.(MD)No.24240 of 2019 on the file of this Court.

For Appellants : Mr.J.Ashok,
Additional Government Pleader

For Respondent : Mr.V.Panneer Selvam



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JUDGMENT

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

This Writ Appeal has been instituted, challenging the order of the writ Court dated 18.11.2019 made in W.P.(MD)No.24240 of 2019.

2.The State is the appellant before this Court.

3.The respondent / writ petitioner was holding the post of P.G. Assistant (Physics) and retired from service on 31.10.2019 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 entire State. Challenging the said decision, the Writ 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 appearing for the appellants would submit that the respondent was not allowed to continue after the date of superannuation i.e., 31.10.2019.

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



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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 is being a concession to the teaching staff, the writ order deserves to be reversed. More so, the respondent was retired from service on 31.10.2019 and thereafter, he was not allowed to continue in service.

5. Accordingly, this Writ Appeal is allowed and the writ order dated 18.11.2019 made in W.P.(MD)No.24240 of 2019, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] & [A.D.M.C., J.]
09.07.2025

NCC : Yes / No
Index : Yes / No

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