



W.A.(MD)No.178 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.07.2025

CORAM:

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

AND

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

W.A.(MD)No.178 of 2020

and

C.M.P.(MD)No.1256 of 2020

- 1.The Chief Educational Officer,
Tirunelveli.
- 2.The District Educational Officer,
Valliyur, Tirunelveli District.
- 3.The Block Educational Officer,
Nanguneri, Tirunelveli District.

... Appellants

-Vs-

S.V.Joseph Thangiah

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 22.11.2019 made in W.P.(MD)No.17475 of 2019 on the file of this Court.



WEB COPY



W.A.(MD)No.178 of 2020

For Appellants : Mr.J.Ashok,
Additional Government Pleader
For Respondent : Mr.V.Panneer Selvam

JUDGMENT

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

The issue relating to re-employment has been raised in the present Writ Appeal. It is not in dispute between the parties that the respondent Teacher was allowed to work till the end of the academic year from the date of his actual retirement. In other words, his service was extended with the permission of the Education Department for the benefit of the children studied in the School during the relevant point of time.

2.The learned counsel appearing for the respondent would submit that there was no surplus Teacher and the Department has granted permission and thus, the Management allowed the Teacher to continue in service till the end of the academic year and therefore, the Teacher is entitled for salary.

3.The learned Additional Government Pleader appearing for the appellants, on instructions, would submit that the respondent was not declared as



W.A.(MD)No.178 of 2020

surplus. Since it was minority School, extension of service is to be granted only in certain exceptional circumstances.

4.We are not unable to accept the said contention, since the Teacher was allowed to work with the permission of the Education Department and therefore, the right to receive salary cannot be denied. The Writ Court has elaborately considered this aspect and allowed the Writ Petition for payment of salary, which in the opinion of this Court is not infirm. Therefore, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] & [A.D.M.C., J.]
24.07.2025

NCC : Yes / No
Index : Yes / No

Yuva



WEB COPY



W.A.(MD)No.178 of 2020

S.M.SUBRAMANIAM, J.
AND
DR.A.D.MARIA CLETE, J.
Yuva

W.A.(MD)No.178 of 2020

24.07.2025