



W.A.(MD)No.227 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.06.2025

CORAM:

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

AND

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

W.A.(MD)No.227 of 2020

and

C.M.P.(MD)No.1561 of 2020

1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
Thuckalay, Kanyakumari District.

... Appellants



W.A.(MD)No.227 of 2020

-Vs-

WEB COPY

The Correspondent,

Christucoil LMS Higher Secondary School,

Palliyadi, Kayakumari District-629169

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 29.11.2019 made in W.P.(MD)No.25462 of 2019 on the file of this Court.

For Appellants : Mr.J.Ashok,
Additional Government Pleader
For Respondent : Ms.M.F.Rooshi Maas
for M/s.Isaac Chambers

JUDGMENT

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

The order of the Writ Court dated 29.11.2019 made in W.P.(MD)No.25462 of 2019 is under challenge in the present Writ Appeal.

2.The respondent School preferred the said Writ Petition, challenging the decision taken by the District Educational Officer, declining re-employment



W.A.(MD)No.227 of 2020

to a teacher, namely, I.Jeya Jini, who served in the post of B.T. Assistant (Tamil).

Admittedly, the teacher attained the age of superannuation on 30.06.2019 and application was submitted seeking re-employment. However, the educational authorities rejected the same mainly on the ground that 16 surplus teachers were already working in the respondent Management.

3.The learned counsel appearing for the respondent is unable to dispute the fact that the surplus teachers were working in different schools under the same Management.

4.Re-employment cannot be claimed as an absolute right either by the teachers or by the School Management. Re-employment is a concession to be granted strictly in accordance with the terms and conditions stipulated under the Government scheme. In the event of surplus teachers working in the School or under the same Management, the authorities may not be in a position to grant re-employment to the teachers, since it will result in financial loss to the State exchequer.

5.In view of the fact that the Management has not established any acceptable ground for granting re-employment to the teacher, who already retired,



W.A.(MD)No.227 of 2020

the order of the Writ Court is not consonance with the scheme for re-employment in force during the relevant point of time. Thus, the order of the Writ Court dated 29.11.2019 made in W.P.(MD)No.25462 of 2019 is set aside and accordingly, this Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] & [A.D.M.C., J.]
19.06.2025

NCC : Yes / No
Index : Yes / No

Yuva



WEB COPY



W.A.(MD)No.227 of 2020

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

W.A.(MD)No.227 of 2020

19.06.2025