



W.A.(MD)No.431 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.431 of 2020

and

C.M.P.(MD)No.3013 of 2020

1.The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai-600 006.

2.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

3.The District Educational Officer,
Tenkasi, Tirunelveli District.

Now at
The District Educational Officer,
Tenkasi, Tenkasi District.

4.The Headmaster,
Government High School,
Kattalaikudiruppu, Sengottai Taluk,
Tenkasi District.

... Appellants

-Vs-

C.Haima

... Respondent



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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.23269 of 2019 on the file of this Court.

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

For Respondent : No Appearance

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. 23269 is under challenge in this Writ Appeal.

2.The respondent filed the said Writ Petition, challenging the order of the rejection passed by the Chief Educational Officer, Tirunelveli District dated 29.10.2019, declining re-employment to the respondent.

3.Admittedly, the respondent was holding the post of B.T. Assistant (Science) and retired from service on attaining the age of superannuation on 31.10.2019. An application was submitted by the respondent seeking re-employment. However, the educational authorities rejected the same mainly on the ground that four surplus teachers were working in the same district in other Government Schools.



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4.Re-employment cannot be claimed as an absolute right of a teacher.

Re-employment is a concessional scheme to be extended scrupulously in consonance with the terms stipulated by the Government under the scheme. When the surplus teacher is working in the same district, re-employment to the teacher, who already retired, cannot be granted as per the scheme. That apart, the respondent has not served after her date of superannuation.

5.Thus, this Court do not find any infirmity in respect of the decision taken by the competent authorities, declining to grant re-employment to the respondent. However, the Writ Court has proceeded on the basis that re-employment is a matter of right, which is to be extended, which in the opinion of this Court is running counter to the policy decision of the Government.

6.Thus, the order of the Writ Court dated 29.11.2019 made in W.P.(MD)No.23269 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
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