



WP(MD). No.24031 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.24031 of 2025

and

WMP(MD)Nos.18840 and 18841 of 2025

Vijayalakshmi

... Petitioner

Vs

1. The District Educational Officer,
Tiruchirappalli, Tiruchirappalli District.

2. The Secretary,
K.A.P.Visvanatham Higher Secondary School,
Thillai Nagar,
Tiruchirappalli District.

... Respondents

PRAYER :-

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in O.Moo.No.4442/Aa3/2025 dated 14.07.2025 issued by the 1st respondent, quash the same as illegal and consequently direct the 1st respondent to extend the service of the petitioner in the 2nd respondent school from 01.08.2025 to till the end of the academic year.



WP(MD). No.24031 of 2025

For Petitioner : Mr. A.N.Ramanathan,
Advocate.

For Respondents : Mr.N.Satheesh Kumar for R1
Additional Government Pleader

Mr.M.Suresh for R2

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in O.Moo.No.4442/Aa3/2025 dated 14.07.2025 issued by the 1st respondent, quash the same as illegal and consequently direct the first respondent to extend the service of the petitioner in the 2nd respondent school from 01.08.2025 to till the end of the academic year.

2. The challenge in this writ petition is to the rejection order passed by the first respondent refusing to re-employ the petitioner till the end of the academic year. The case of the petitioner is that the petitioner had been engaged as a Secondary Grade Teacher and now presently working as BT Assistant in the second respondent school. The petitioner had attained the age of superannuation on 31.07.2025 ie., during the middle of the academic year 2025- 2026. Hence a representation was



WP(MD). No.24031 of 2025

sent for extension till the end of the academic year which was also forwarded by the second respondent to the first respondent, seeking re-employment of her service till the end of the academic year. The same has been rejected without considering the relevant Government orders in that regard. The further claim of the petitioner is that, there is no surplus post in the BT Assistant in the second respondent school. One teacher has been accommodated in the retired post and was transferred to the Higher Secondary School, Ayyampalayam and therefore there was no surplus teacher in the school, to consider the claim of the petitioner. Hence, the petitioner seeks indulgence with the order passed by the Court.

3. On the other hand, learned Additional Government Pleader would submit that once an employee attains the age of superannuation, the employer-employee relationship automatically seizes and the power to grant re-employment vests entirely with the competent authority. As claimed by the petitioner, there is no deployment of a teacher to the Government Higher Secondary School and only steps are being taken for redeployment. Therefore, as on the date of the orders were passed, there



WP(MD). No.24031 of 2025

has been a surplus in the second respondent school and there is no question of re-employment in the post. Therefore, he prays this court to dismiss the writ petition.

4. I have considered the submission made by the learned counsel on either side.

5. Eventhough, the petitioner claims that there has been no surplus in the school, the impugned order as well as the counter specifically indicates that there has been two surplus teachers in BT Science. However, one alone is attempted to be deployed to another school. Even after such deployment, there will be one more surplus teacher. Further, as rightly pointed out, there is no question of a petitioner having a right to seek re-employment and it is the discretion of the educational authorities to grant re-employment. The discretion that has been exercised on the ground of surplus, does not require any interference of this Court.



WP(MD). No.24031 of 2025

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6. Accordingly, this writ petition fails and dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

06.11.2025

NCC : yes / no
Index : yes /no
Internet : yes / no

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To

1. The District Educational Officer,
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2. The Secretary,
K.A.P.Visvanatham Higher Secondary School,
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WP(MD). No.24031 of 2025

K.KUMARESH BABU, J

pnn

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