



WEB COPY

WP No. 7927 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 7927 of 2024

and W.M.P.Nos.8897 & 8899 of 2024

S.Saroja

..Petitioner(s)

Vs

1. The Commissioner of School Education,
DPI Complex, College Road,
Nungambakkam, Chennai-600 034.

2. The Chief Educational Officer,
Namakkal District, Namakkal-637 001.

3. The Head Master,
Government High School,
Kerambur, Namakkal District.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to impugned charge memo bearing Na.Ka. No.7150/A3/2023, dated 26.12.2023, issued by the 2nd respondent, proceedings of the 2nd respondent dated 31.01.2024 issued vide R.C.No.7150/A3/2023 and proceedings of the 2nd respondent dated 31.01.2024 issued in O.Mu.No.631/A3/2024 and quash the same as unconstitutional, illegal and in violation of principles of natural justice with consequential direction directing the respondents to allow the petitioner to retire on her reaching the date of superannuation with effect from 31.05.2024 by allowing her to continue her work upto end of the academic



session with contributory pension, arrears of salary, arrears of amount towards earned and unearned leave and all other attendants and monetary benefits.

For Petitioner(s) : Mr.S.Senthil

For Respondent(s) : Mrs.Mythreye Chandru, Spl.G.P.

ORDER

This writ petition is filed to call for the entire records relating to impugned charge memo bearing Na.Ka. No.7150/A3/2023, dated 26.12.2023, issued by the 2nd respondent, proceedings of the 2nd respondent dated 31.01.2024 issued vide R.C.No.7150/A3/2023 and proceedings of the 2nd respondent dated 31.01.2024 issued in O.Mu.No.631/A3/2024 and quash the same as unconstitutional, illegal and in violation of principles of natural justice with consequential direction directing the respondents to allow the petitioner to retire on her reaching the date of superannuation with effect from 31.05.2024 by allowing her to continue her work upto end of the academic session with contributory pension, arrears of salary, arrears of amount towards earned and unearned leave and all other attendants and monetary benefits.

2. The case of the petitioner is that she was appointed as drawing teacher by the second respondent on consolidated pay in the year 2005. On 31.08.2006, the second respondent regularized the petitioner's service as drawing teacher with effect from 01.06.2006 and she continued her post in the third respondent school. Whiles, the petitioner's son, who is staying in



Sydney, Australia along with his wife, requested to visit them, as his wife was pregnant. Pursuant to which, the petitioner submitted a letter to the third respondent sought 122 days leave and no objection certificate to visit Australia using her passport from 01.04.2023 to 31.07.2023 vide application dated 31.01.2023. On such receipt, the third respondent issued no objection certificate for foreign trip. Thereafter, the petitioner returned to India on 29.07.2023, but she was not permitted to join duty and was allowed to join only on 31.08.2023. Under these circumstances, the petitioner was issued a charge memo dated 26.12.2023, alleging that she has gone to Australia without getting prior permission and necessary No Objection Certificate from the Department.

3. It is the further case of the petitioner that, the petitioner was in virtue of superannuation on 31.01.2024, she had given a letter to permit her to continue the work upto the end of academic session. Pursuant to which, the second respondent has issued two communications dated 31.01.2024, one is for not permitting the petitioner to retire from the service and another one is for rejecting the request of the petitioner to permit to continue the service upto the end of academic session. Challenging these orders, the petitioner has come forward with the present writ petition.

4. However, learned counsel for the petitioner would submit that with regard to the third prayer i.e., rejecting the request of the petitioner to permit her



to continue service upto the end of academic session become infructuous. In the regard to second limb of prayer that retaining the petitioner after attaining the age of superannuation due to pending disciplinary proceeding is non-est in the eye of law on the simple ground that, the very same Government has amended 56 1(c) of the Fundamental Rules by issuing G.O.Ms.No.47, Human Resources Management dated 29.08.2025, thereby cancelling the retention of service. In respect of first limb of prayer i.e., issuance of charge memo dated 26.12.2023, admittedly, the petitioner made an application for obtaining no objection certificate before the third respondent vide application dated 31.01.202, which was also granted on the same day and it is evident by the proceedings of the third respondent dated 31.01.2023. Accordingly, he prays for allowing this writ petition.

5. Per contra, learned Special Government Pleader appearing for the respondents would submit that the third respondent is not a competent authority to issue such permission to visit abroad, which is a violation of Rule 24A of the Tamil Nadu Government Servants Conduct Rules, 1973. Accordingly, she prays for appropriate orders.

6. Heard the learned counsel on either side and perused the materials available on record.



7. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service as a drawing teacher and her service was regularized in the year 2006 and it is an equally undisputed fact that, at the verge of retirement, the petitioner has filed this writ petition challenging three impugned orders viz., (1) charge memo dated 26.12.2023, as if the petitioner visited foreign country without obtaining permission from the competent authority (2) Refused to extend the employment till the academic year (3) not allowed to retire and retained the petitioner in service, in view of pending disciplinary proceedings.

8. In respect of charge memo dated 26.12.2023, admittedly, the petitioner made an application for seeking permission to visit foreign country vide application dated 31.01.2023 and the same was approved by the third respondent on 31.01.2023. However, without considering the third respondent's approval, the second respondent issued the charge memo, which is not sustainable. Since the extension period was already over, the petitioner is not entitled for extension of employment till academic year. Hence, the same has become infructuous. In view of G.O.Ms.No.47, Human Resources Management dated 29.08.2025, the Government amended 56 1(c) of the Fundamental Rules. Hence, there is no power available to the second respondent to retain the service of the petitioner, beyond the retirement date.



9. In view of the foregoing reasons, the impugned charge memo bearing Na.Ka.No.7150/A3/2023, dated 26.12.2023, issued by the second respondent, proceedings of the second respondent dated 31.01.2024, issued vide R.C.No.7150/A3/2023 and O.Mu.No.631/A3/2024 are liable to be set aside. Accordingly, the same is hereby set aside. Consequently, this Court directs the respondents to settle the salary and terminal benefits to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order, if not already paid.

With the above terms, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

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M.DHANDAPANI, J.

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