



W.P.(MD) Nos.29379 & 29380 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.29379 & 29380 of 2025

and

W.M.P.(MD) Nos.22708, 22709, 22710 & 22711 of 2025

Adela Elfride Samhenry

... Petitioner in W.P.(MD)
No.29379 of 2025

M.Malliha

... Petitioner in W.P.(MD)
No.29380 of 2025

Vs.

- 1.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Nagarcoil, Kanyakumari District.
- 2.The District Educational Officer
(Elementary Education),
Kanyakumari District at Nagarcoil,
O/o.The District Educational Officer,
Nagarcoil, Kanyakumari District.
- 3.The Corporate Manager,
CSI Corporate Management of Schools,
CSI Diocesan Office,
71A, Dennis Street, Nagarcoil,
Kanyakumari District.



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4.The Correspondent,
Dethie Higher Secondary School for Girls,
Nagarcoil, Kanyakumari District.

5.The Administrative Committee,
Rep. by the Administrative Secretary
CSI Diocesan Office, 71A, Dennis Street,
Nagarcoil, Kanyakumari District.

... Respondents in
both W.Ps.

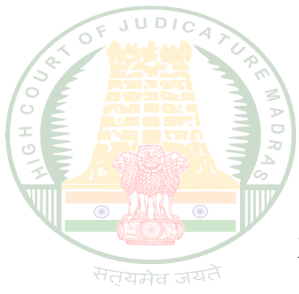
Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders in Na.Ka.No. 5752/A4/2023 and Na.Ka.No.5753/A4/2023 both dated 21.04.2025 passed by the first respondent and quash the same and consequently directing the respondents to pay salary to the petitioners for the re-employment services rendered for the period commencing from 01.08.2023 to 31.05.2024 and to provide the petitioners service and retirement benefits.

For Petitioner
in both W.Ps. : Mr.B.Vinothkumar

For R1 & R2
in both W.Ps. : M/s.K.Porkodi
Government Counsel

COMMON ORDER

The issue that arises for consideration in both these Writ Petitions is one and the same. As such, both these Writ Petitions are taken up for consideration together and are being disposed of by this common order.



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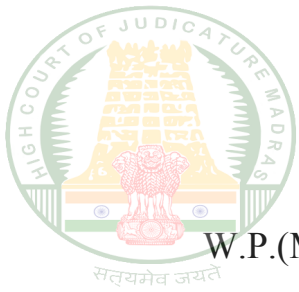
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2. The petitioners herein worked as B.T. Assistant (Science) and B.T. Assistant (Social Science), respectively, in the fourth respondent school functioning under the management of the third respondent, CSI Corporate Management and were due to retire on attaining the age of superannuation on 31.07.2023.

3. The petitioners submitted representations seeking extension of service from 01.08.2023 till the end of the academic year, i.e., 31.05.2024. Since the said requests were not considered, the petitioners approached this Court by filing W.P.(MD) Nos.18104 and 18105 of 2023. This Court, by an interim order dated 26.07.2023, directed the respondents not to relieve the petitioners from service. It was by virtue of the said interim orders, the petitioners continued in their respective posts till 31.05.2024.

4. Thereafter, both the Writ Petitions came to be disposed of on 24.10.2024 by recording the submission made by the learned counsel for the petitioners that the school management had submitted proposals for payment of salary for the period of re-employment and by directing the first respondent, Chief Educational Officer, to consider the said proposals.

5. Pursuant to the orders dated 24.10.2024 passed by this Court in



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W.P.(MD) Nos.18104 and 18105 of 2023, the claims of the petitioners were considered and ultimately rejected by the impugned proceedings dated 21.04.2025 on the ground that there was no necessity to avail the services of the petitioners on re-employment till the end of the academic year, as surplus teachers were available under the Corporate Management, under which the fourth respondent school is functioning.

6. Aggrieved by the said proceedings, the petitioners are once again before this Court.

7. In response to the notice issued by this Court, the first respondent has filed detailed counter affidavits reiterating the stand taken in the impugned proceedings and contending that four surplus B.T. Assistants (Social Science) and one surplus B.T. Assistant (Science) are available in the CSI Corporate Management. For the sake of clarity, the relevant portion of paragraph 6 of the respective counter affidavits is extracted hereunder:

From paragraph 6 of the counter affidavit in W.P.(MD) No. 29379 of 2025:

6. With regard to the averment made in paras 8 to 11 of the affidavit it is submitted that this Hon'ble Court by order dated 24-10-2024 directed the Chief Educational



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Officer, Kanyakumari to consider proposal of the management and pass orders. The Chief Educational Officer, Kanyakumari the 1st respondent herein, issued orders dated 21-04-2025 in Na.Ka.No. 5752/A4/2025 due to the reason that three surplus BT Assistants (Science) were working in the school functioning under the administrative control of 4th respondent school management. In the staff fixation for the year 2022-2023 the surplus teachers has been worked out to two without Teacher. There were surplus B.T.Assistants (Science) in schools run by the corporate management. It is pertinent to submit one teacher by name Tmt. R.Mabel Rani from the Duthie Higher Secondary School for Girls, Nagarcoil, Kanyakumari District, was ordered to work on deputation basis to the Government Higher Secondary School Vadaseri. Another teacher namely Tmt. T.Benelin Sheeba was also deputed on deputation basis to the Government Higher secondary school Vallankumaravizhai. Both teachers were not relieved. It was informed to the school that the proposals will be considered based on the final verdict in the pending Writ Petition. Based on the final verdict dated 24-10-2024 in W.P.(MD).No. 18105 of 2023, the representation of the respondent management it was informed that whereas surplus teachers are working in the school itself and they were on deputation to other schools, it was open to the management to recall any one of them to the school and the work ought to have been done by recalling the deputed teachers. Accordingly the request of the school management for retaining the petitioner on re employment basis was rejected by order dated 21-04-2025 in Na.Ka.No. 5752/A4/2025 to avoid unnecessary expenditure on re employment.

From paragraph 6 of the counter affidavit in W.P.(MD) No. 29380 of 2025:

6. With regard to the averment made in paras 8 to 11 of the affidavit it is submitted that this Hon'ble Court by order dated 24-10-2024 directed the Chief Educational Officer, Kanyakumari to consider proposal of the



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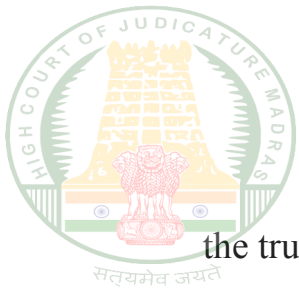


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management and pass orders. The Chief Educational Officer, Kanyakumari the 1st respondent herein, issued orders dated 21-04-2025 in Na.Ka.No. 5753/A4/2023 due to the reason that three surplus BT Assistants (Social Science) were working in the school functioning under the administrative control of respondent school management. In the staff fixation of the school for the year 2022-23 it was declared that there was one surplus of B.T.Assistant without teacher. There are 4 surplus B.T.Assistants (Social Science) in schools run by the corporate management. It was informed to the school that the proposals will be considered based on the final verdict in the pending Writ Petition. Based on the final verdict dated 24-10-2024 in W.P. (MD). No. 18104 of 2023, the representation of the respondent management it was informed that whereas surplus teachers are working in the schools. Accordingly the request of the school management for retaining the petitioner on re employment basis was rejected by order dated 21-04-2025 in Na Ka. No. 5752/A4/2025 to avoid unnecessary expenditure on re employment.

8. Despite the fact that the said counter affidavits were filed as early as November 2025, no rejoinder has been filed disputing the stand taken by the first respondent.

9. Though notice was served on the fourth respondent school, no appearance has been entered on its behalf. Hence, at the request of the learned counsel for the petitioners, fresh notice was ordered and permission was also granted for private notice. Despite repeated service of notice, the fourth respondent has not chosen to enter appearance and place



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the true facts before this Court.

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10. In the absence of any dispute with regard to the availability of surplus teachers in the Corporate Management under which the fourth respondent school is functioning, the question of availing the services of the petitioners on re-employment does not arise.

11. However, for reasons best known to them, the petitioners, after attaining the age of superannuation, voluntarily submitted representations seeking extension of service. Not being satisfied with the non-consideration of their requests, they approached this Court by filing W.P. (MD) Nos.18104 and 18105 of 2023 and obtained interim orders restraining the respondents from relieving them from service. Thus, it is evident that the petitioners themselves voluntarily sought and secured continuation in service with the aid of the interim orders passed by this Court.

12. Having obtained such interim orders, the petitioners failed to invite the orders on merits in W.P.(MD) Nos.18104 and 18105 of 2023. Instead of pursuing the said Writ Petitions on merits, the petitioners opted to have them disposed of with a direction to consider the proposal



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submitted by the fourth respondent school for release of salary and other attendant benefits.

13. Therefore, the continuance of the petitioners in service was solely at their own instance and by virtue of the interim orders passed by this Court. Such continuance was not on account of any administrative necessity, particularly in view of the specific stand taken by the first respondent regarding the availability of surplus teaching staff in the Corporate Management under which the fourth respondent school is functioning.

14. In the above circumstances, this Court does not find any error, infirmity or illegality in the impugned orders passed by the first respondent. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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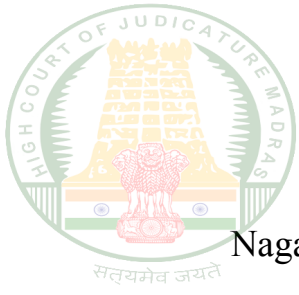
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NCC : Yes / No

Index : Yes / No

To

1.The Chief Educational Officer,
O/o.The Chief Educational Officer,



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Nagarcoil, Kanyakumari District.

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2.The District Educational Officer
(Elementary Education),
Kanyakumari District at Nagarcoil,
O/o.The District Educational Officer,
Nagarcoil, Kanyakumari District.



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MUMMINENI SUDHEER KUMAR, J.

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