

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24528 of 2015

And

M.P.No.1 of 2015

S.Assuntha

... Petitioner

Vs.

1. The State Government
Rep by Secretary to Government (Education)
Secretariat Fort St. George Chennai 9
2. The Director
Directorate of School Education
College Road Chennai 6
3. The District Educational Officer
Erode District
4. The Assistant Elementary Educational Officer
Talavadi
Erode District 638 461
5. The Correspondent
St. Anns Primary School Tegannare Talavadi
Erode 638 461

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st 2nd 3rd and 4th respondents to approve the petitioners re-instatement in the St. Anns Primary School, Tegannare, Talavady, Erode District 638 461 from 11.1.2012 and consequently to regularize all the monetary benefits from 11.1.2012 to the petitioner.

For Petitioner : Mr.J.Justin

For Respondents : Mr.R.Vijayakumar for R1 to R4
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner was appointed as Secondary Grade Teacher by the Management of St.Ann's Girls' Higher Secondary School, Windermere, Wellington, Aruvankadu (PO), Nilgris District which is an aided minority Institution coming under the control of the respondents 1 to 4. The petitioner has completed her probationary period on 10.06.1985 and her post was also approved by the Government with all eligible monetary benefits. The petitioner was also granted time scale of pay and her first increment was also fixed and due to the fact that she developed illness on account of working in a hill station, she expressed her inclination to go on voluntary retirement and accordingly submitted an application to the Management of the school, based on which, she was relieved from service on 02.06.1997.

3.According to the petitioner, she was not properly relieved from the said post and made repeated representation for getting her gratuity and pension benefits and in the interregnum, she recovered from the illness and also produced fitness certificate, based on which, she was given appointment by the Administration of St. Ann's Primary School, Tegannare, Thalavady. The petitioner thereafter, submitted a representation to the respondents to approve her re-appointment in the said scale from 11.01.2012 and consequentially, confer her with all monetary benefits from that date and since no order has been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.J.Justin, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

5.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same directs the respondents 2 to 4 to consider and dispose of the petitioner's representation dated 21.07.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government (Education)
Secretariat Fort St. George Chennai 9
2. The Director
Directorate of School Education
College Road Chennai 6
3. The District Educational Officer
Erode District
4. The Assistant Elementary Educational Officer
Talavadi
Erode District 638 461

+1cc to the Government Pleader, S.R.No.41607

W.P.No.24528 of 2015
And
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VD(CO)
CA(26/08/2015)

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