

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29862/2015

C.Ganesan

..Petitioner

Versus

1. The Principal Secretary to Government
State of Tamil Nadu, School Education
Department, Secretariat, Fort St George
Chennai 600009.
2. The Director of School Education,
DPI Campus, College Road, Chennai 600 006.
3. The Joint Director of School Education [Personnel]
Director of School Education, DPI Campus,
College Road, Chennai 600 006.
4. The Chief Educational Officer
Panagal Building, Saidapet,
Chennai 600015.
5. The Heamistress
Jaygopal Karodia Government Girls Higher
Secondary School, Saidapet, Chennai 600015.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to pass appropriate orders on the appeal petition filed by the petitioner dated 23.07.2015 by granting ratification for the study leave availed by the petitioner on loss of pay in the academic year 2013-2014 [from 01.08.2013 to 03.04.2014] to undergo M.P.Ed., 2nd year course and consequently approve the M.P.Ed. Degree qualification acquired by the petitioner for service benefits within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.R.Vijayakumar, AGP

O R D E R

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

2. The petitioner was working as Physical Education Teacher in the services of the 5th respondent/School from the year 2004 onwards and in the year, 2012, the petitioner applied for studying higher degree course, viz., M.P.Ed., on loss of pay and the said course is 2 years degree course and the 4th respondent has accorded permission vide order dated 12.09.2012, to the petitioner, by granting one year study leave on loss of pay from 01.08.2012. The petitioner, on completion of the first year, joined service on 12.04.2013 and he was permitted to join also and thereafter, the petitioner submitted a representation during June 2013 which was forwarded by the 5th respondent to the 4th respondent for permission to study the 2nd year M.P.Ed., degree on loss of pay and the reminder was also sent and in the mean time, the petitioner applied for study leave from 01.08.2013 and completed the second year. The petitioner also submitted a representation to join the services during April 2014 and accordingly, the petitioner was permitted to join the services without prejudice to the disciplinary proceedings initiated against him for having done the second year degree course, without obtaining proper permission. Ultimately, the 3rd respondent, vide order dated 05.01.2015, has rejected the request made by the petitioner to ratify the study leave for undergoing the 2nd year M.P.Ed., course and challenging the same, the petitioner preferred an appeal petition dated 23.07.2015 to the 1st respondent and since no orders have been passed, the petitioner came forward to file this writ petition.

3. Heard the submissions of the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's appeal petition dated 23.07.2015 on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. The writ petition is disposed of accordingly. No costs.

AP

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

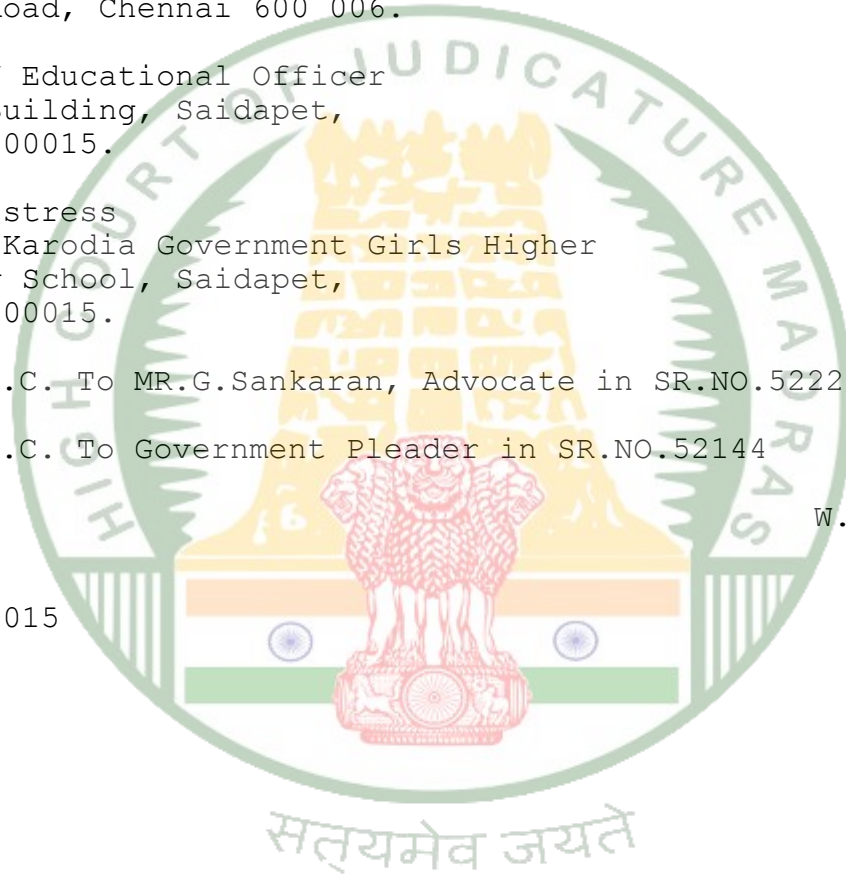
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+1 C.C. To MR.G.Sankaran, Advocate in SR.NO.52229

+1 C.C. To Government Pleader in SR.NO.52144

W.P.No.29862/2015

GGK(CO)
sd : 14/10/2015



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