

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30453/2015 & M.P.No.1/2015

A.SUSAI MANUEL

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Petitioner

Versus

1. The Joint Director [Higher Secondary]
Directorate of School Education,
DPI Complex, Egmore, Chennai 600 006.

2.The Chief Educational Officer
Kanchipuram District, Kanchipuram.

3.The District Educational Officer
Kancheepuram District,
Kancheepuram.

4.Ms.N.Premalatha
Principal, Government Higher Secondary
School, Vengapakkam 603 102
Kanchipuram District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 2nd and 4th respondents to permit the petitioner to rejoin service and resume the petitioner's duty as a PG Assistant at the Government Higher Secondary School, Vengambakkam, Kanchipuram District with all the attendant service benefits.

For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.V.Subbiah,
Special Government Pleader

O R D E R

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

2 The petitioner was temporarily appointed as P.G. Assistant [Maths] in respect of the recruitment done through the Teacher Recruitment Board and was initially posted at the Government Higher Secondary School, Pandhalur, Nilgiris District and after declaration of his probation, he applied for transfer to Kancheepuram District as his spouse was working in Kalpakkam and vide order dated 20.09.2011, the petitioner was transferred to the Government Higher Secondary

School, Vennangupet, Kancheepuram District and on his request, he was once again transferred to the Government Higher Secondary School, Vengapakkam, Kancheepuram District, on 20.07.2013. The petitioner after joining the said school found various irregularities and mal-administration in the School at the instance of the 4th respondent herein and the petitioner brought to the knowledge of the concerned authorities about the said irregularities. However, due to malafide acts and extraneous reasons, the petitioner was harassed and since, the petitioner was unwell, he has also applied for medical leave from 16.06.2014 to 05.07.2014. After becoming fit, the petitioner submitted an application along with the Medical Certificate to re-join the duty and however, he has not been allowed to re-join the duty. The petitioner in this regard, has submitted very many representations seeking permission to rejoin the duty in the transferred post and since, he has not been favoured with any kind of response, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that the petitioner has not been allowed to join duty in the transferred post and though no salary has been paid to him, the professional tax has been deducted out of his salary and in all fairness, the petitioner should have been allowed to join and perform his duty and the salary with arrears have to be paid to him and hence, prays for appropriate orders.

4 This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's representation/explanation dated 01.07.2015 on merits and in accordance with law and pass orders within a period of six 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 closed.

-sd/-

Assistant Registrar(CO)

/ TRUE COPY /

Sub-Assistant Registrar

AP

<https://hcservices.ecourts.gov.in/hcservices/>

To

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Kanchipuram District.

+1 CC to MR.T.GOWTHAMAN, Advocate SR.NO. 52470

+1 CC to Government Pleader, SR.NO. 52918

W.P.No.30453/2015

CTK (CO)
JD
08/10/2015



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