

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30889 of 2015

&

MP.No.1/2015

P.Arokiaraj

...Petitioner

Versus

1. The Director of Education
School Education Department,
College Road, Chennai.
2. The Chief Educational Officer
Education Department,
Villupuram.
3. The District Education Officer
O/o.DEO Office, Murungapakkam
Tindivanam-1.
4. The Correspondent,
St. Ann's Higher Secondary School,
Tindivanam-2.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to accord to the petitioner all the statutory benefits attached to the post of Post Graduate Teacher.

For Petitioner : Mr.D.Ravichandrer

For R1 to R3 : Mr.N.Srinivasan, AGP

ORDER

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

2 The petitioner claims that he is a Post Graduate Degree Holder, i.e., M.Sc., B.Ed. and enrolled his name in the jurisdictional Employment Exchange. The petitioner has applied to the 4th respondent in respect of the vacancy for the post of Post Graduate Teacher and vide appointment order dated 02.07.2012, he was appointed in the said post and it was ratified by the 3rd respondent, vide proceedings dated 20.11.2012. It is further stated that one Gilbert Sagayaraj, who has applied for the same post, aggrieved by the non-selection, filed OS.No.257/2012 on the file of the Court of Principal District Munsif, Tindivanam, questioning the petitioner's appointment. The 4th respondent has filed an application under Order VII Rule 11 of the Code of Civil Procedure to reject the plaint and it was allowed and the plaint was rejected and challenging the same, an appeal in AS.No.15/2014 on the file of the Court of Principal Sub Court, Tindivanam. The grievance expressed by the petitioner is that in spite of the fact that he has applied for medical leave by enclosing necessary medical certificate to that effect, the said leave applications are directed to be treated as "Leave on Loss of Pay" for the reason that the above said appeal is pending.

3 Learned counsel for the petitioner would submit that the appointment of the petitioner has been ratified by the 3rd respondent and therefore, mere pendency of the appeal suit without any interim orders, would not entitle the respondents to treat the leave application submitted by the petitioner on medical ground as loss of pay and would further contended that the petitioner is also entitled for other service benefits and hence prays for appropriate orders.

4 This Court heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 3.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 13.08.2015 on merits and in accordance with law after providing the petitioner, an opportunity of personal hearing 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. Pending disposal of the said representation, no deduction in the salary of the petitioner is to be made on loss of pay.

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

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Director of Education
School Education Department,
College Road, Chennai.
2. The Chief Educational Officer
Education Department,
Villupuram.
3. The District Education Officer
O/o.DEO Office, Murungapakkam
Tindivanam-1.

1 CC to Mr.D.Ravichandrer, Advocate SR.No. 53581

1 CC to the Government Pleader, SR.No. 53364

W.P.No.30889/2015

KSJ (CO)
PSI (13.10.2015)

WEB COPY