

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2015

Coram

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.618 of 2015

V.Dhanalakshmi

...Petitioner

vs.

1. State of Tamil Nadu,
Rep.by its Secretary,
Department of Social Welfare
cum Noon Meals Scheme,
Chennai-600 009
2. The Director,
The Directorate of Integrated Child Welfare Services,
Tharamani,
Chennai-600 113
3. The District Scheme Officer,
Integrated Child Welfare Scheme,
Collectorate of Thiruvannamalai,
Thiruvannamalai & District
4. The Project Officer,
O/o.The Child Development Project Office,
Thandrapattu Taluk,
Thiruvannamalai District.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records in Na.Ka.No.11988/E3-3/2014 dated 16.10.2014 passed by the second respondent herein and quash the same.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy

For respondents : Mr.M.S.Ramesh,A.G.P.

ORDER

The petitioner was appointed as Anganvadi Assistant in Maduvankarai Anganvadi Centre, where she is working at present. The petitioner, with the permission of the Department, joined one year B.Ed course in K.E.C.College of Education, Vengikkal, Thiruvannamalai District, during the academic year 2014-15. The petitioner submitted application for leave without pay for a period of 9 months from 01.09.2014 to 31.05.2015. The respondents granted her leave. However, by way of the impugned order, dated 16.10.2014, the second respondent called upon the petitioner to join duty on 26.2.2015. The said order is under challenge in this writ petition primarily on the ground that in case leave is not granted, she would be put to great hardship and the period already undergone would go waste.

2. The learned counsel for the petitioner, by placing reliance on the orders dated 12.3.2010 and 25.8.2014 in the matter of Mrs.D.Ruth Elizabeth and C.Uma, submitted that under similar circumstances, the first respondent granted leave to two of the similarly situated employees and as such, the petitioner was subjected to discrimination.

3. I have also heard the learned Additional Government Pleader on behalf of the respondents.

4. There is no dispute that the petitioner joined the B.Ed., course, pursuant to the recommendation made by the second respondent to the first respondent. The petitioner joined the course on 1.9.2014. The course would be completed by 31.5.2015. It was only during midstream, the first respondent passed the impugned order and directed the petitioner to join duty on 26.2.2015. The petitioner is perfectly correct in her contention that in case she is made to join now, the education undergone by her during the last more than five months would go waste. Under similar circumstances, the first respondent has given permission to Mrs.D.Ruth Elizabeth to complete B.Ed., course and the same is evident from the order dated 12.3.2010. I am therefore of the view that the case of the petitioner should also be considered in the light of the earlier orders passed by the first respondent.

5. In the result, the impugned order dated 16.10.2014 is set aside. The first respondent is directed to grant leave to the petitioner up to 31 May 2015, without pay.

6. The writ petition is allowed to the extent indicated above. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Secretary,
Department of Social Welfare cum Noon Meals Scheme,
Chennai-600 009
2. The Director,
The Directorate of Integrated Child Welfare Services,
Tharamani,
Chennai-600 113
3. The District Scheme Officer,
Integrated Child Welfare Scheme,
Collectorate of Thiruvannamalai,
Thiruvannamalai & District
4. The Project Officer,
O/o.The Child Development Project Office,
Thandrampattu Taluk,
Thiruvannamalai District.

1 CC to Mr.Dalit Tiger C.Ponnusamy, Advocate SR.No. 9187

1 CC to the Government Pleader, SR.No. 9451

VSN (CO)
PSI (10.03.2015)

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