



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.02.2015
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

WEB COPY

W.P. (MD) No.16638 of 2014

M.Shylaja

... Petitioner

vs.

1.The Director of Collegiate Education,
College Road,
Chennai.

2.The Joint Director of Collegiate Education,
Tirunelveli,
Tirunelveli District.

3.The Secretary cum Correspondent,
Women's Christian College,
Nagercoil
Kanyakumari District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the 2nd respondent to approve the reinstatement of the petitioner as Steno Typist in the 3rd respondent college with effect from 29.01.1998 treating the period of absence i.e. from 28.11.1994 to 28.01.1998 as continuity of service without backwages and disburse grant-in-aid towards the petitioner's salary including monetary benefits.

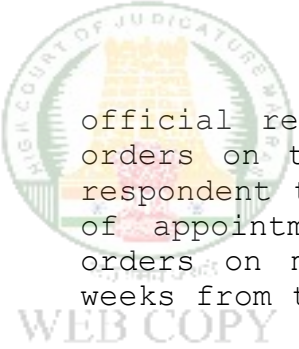
For Petitioner	:	Mr.S.Xavier Rajini
For Respondents	:	Mr.R.Anandaraj for R1 and R2 Government Advocate No appearance for R3

O R D E R

The writ petition is filed for a direction to the 2nd respondent to approve the reinstatement of the petitioner as Steno Typist in the 3rd respondent college with effect from 29.01.1998 by treating the period of absence i.e. from 28.11.1994 to 28.01.1998 as continuity of service without backwages and disburse grant-in-aid towards the petitioner's salary including monetary benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate for the respondents 1 and 2.

3. It is seen that the petitioner, who was originally working in the third respondent College as Steno Typist, was dismissed from service on 28.11.1994. Thereafter, she was given re-employment by the third respondent College on 28.01.1998. The petitioner seeks a direction to approve the reinstatement of the petitioner as Steno-Typist with effect from 29.01.1998. Insofar as this prayer is concerned, it is for the



official respondent to consider the request of the petitioner and pass orders on the same on merits and therefore, this Court directs the 2nd respondent to consider the request of the petitioner seeking for approval of appointment as Steno-Typist with effect from 29.01.1998 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

4. However, in respect of the other limb of prayer, namely, for treating the period from 28.11.1994 to 28.01.1998, the period of absence, as continuity of service is concerned, I am of the view that the petitioner is not entitled to such relief, as admittedly, she was not in service during such period and the earlier order of dismissal passed by the third respondent has also not been set aside. When that being the factual position, the petitioner cannot seek for treating those period, in which, admittedly, the petitioner was not in service as continuity of service. Accordingly, insofar as the 2nd limb of prayer as stated supra is concerned, the writ petition is dismissed. No costs. Consequently connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(RTI)

\\True copy\\

Sub Assistant Registrar

To

1.The Director of Collegiate Education, College Road, Chennai.

2.The Joint Director of Collegiate Education, Tirunelveli,
Tirunelveli District.

3.The Secretary cum Correspondent, Women's Christian College,
Nagercoil, Kanyakumari District

+1 CC TO M/S.S.XAVIER RAJINI, ADVOCATE SR.NO.6093

W.P.(MD) No.16638 of 2014
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RR

NA/20/02/2015/P2/5C