

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31014 of 2016

S.Copperundevy

... Petitioner

Vs.

1. The Union of India, rep. by
the Chief Secretary to Government,
Government of Puducherry,
Chief Secretariat, Goubert Avenue,
Puducherry-605 001.
2. The Secretary to Government (Education),
Government of Puducherry,
Chief Secretariat, Goubert Avenue,
Puducherry-605 001.
3. The Director of School Education,
Government of Puducherry,
Directorate of School Education,
Puducherry-605 005.
4. The Principal,
Immaculate Heart of Mary High School,
Government of Puducherry Aid School,
Nelithope, Pondicherry-605 010.
5. The Principal,
Immaculate Heart of Mary High School,
Government of Puducherry Aid School,
Reddiarpalayam, Pondicherry-605 010.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to act on the petitioner representation dated 31.12.2015 and 17.8.2016 within a stipulated period and direct the third respondent to reinstate the petitioner.

For Petitioner : Mr.D.Sreenivasan

For Respondents : Mrs.Reena Iswariya,
Additional Government Pleader
(Pondy) for R.1 to R.3

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to act on her representations dated 31.12.2015 and 17.8.2016 within a stipulated period and direct the third respondent to reinstate her.

2. It is the case of the petitioner that she joined the fourth respondent school in the year 1999 as a Music Teacher on a temporary basis until the said post was approved by the Directorate of School Education, Puducherry, since the school is governed under the scheme of Grant-in-aid. Till June 2001, she worked without any salary and thereafter, from July 2001 to June 2002, she was paid a sum of Rs.1,000/- per month as stipend and from July 2002 to July 2005, she was paid Rs.2,000/- only. Later, she was transferred to the fifth respondent school, wherein she continued in service from 2005 to 2015. The fifth respondent had fixed her salary as Rs.1,000/- between 2005 to 2008. From 1.1.2010, she was paid Rs.2,000/- between 2010-12, Rs.3,500/- from June 2013 to December 2014 and Rs.4,500/- from January 2015 to June 2015. Thereafter, she was posted in Immaculate Heart of Mary's High School, Nellithope, Puducherry, with instruction that her services in the post of Music Teacher could be regularized in any one of the Immaculate Heart of Mary's High Schools after obtaining the administrative approval of the Government. In the year 2004, the fourth respondent sent a proposal to the third respondent seeking administrative approval from the Government for regularizing the services of the petitioner. Thereafter, the post of Music Teacher had been created in the fourth respondent school and the petitioner joined the fifth respondent school and had been working there until 28.6.2015. While so, on 28.6.2015, the fifth respondent school had orally informed her that her service was terminated without any proper notice. In this regard, she sent representations dated 31.12.2015 and 17.8.2016 to the respondent. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, Pondicherry, who has taken notice on behalf of the respondents 1 to 3. In view of the limited order to be passed hereunder, there is no need for this Court to issue notice to the respondents 4 and 5.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representations of the petitioner dated 31.12.2015 and 17.8.2016 and pass appropriate 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. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Chief Secretary to Government,
Union of India, Government of Puducherry,
Chief Secretariat, Goubert Avenue,
Puducherry-605 001.
2. The Secretary to Government (Education),
Government of Puducherry,
Chief Secretariat, Goubert Avenue,
Puducherry-605 001.
3. The Director of School Education,
Government of Puducherry,
Directorate of School Education,
Puducherry-605 005.

+1cc to Mr.D.Sreenivasan, Advocate, S.R.No.51024

+1cc to the Government Pleader(Puducherry), S.R.No.50460

W.P.No.31014 of 2016

RP(CO)

CA(22/09/2016)