

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31315 of 2016

U.Balasudha

... Petitioner

vs.

1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai.

2.The District Elementary Educational
Office,
Office of the District Elementary Educational
Officer,
Vellore, Vellore District.

3.The Assistant Elementary Educational
Officer,
Sholingur Union, Sholingur,
Vellore District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the appeal dated 21.7.2016 filed by the petitioner as against the order dated 18.7.2016 bearing Ref.No.Na.Ka.No.1914/A2/2015 on the file of the second respondent and consequently, reinstate the petitioner into service as secondary grade teacher with all monetary benefits.

For Petitioner : Mr.G.K.Ilanthiraiyan,
for M/s.Sai Bharath and Ilan

For Respondents : Mr.R.Venkatesh,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider the appeal dated 21.7.2016 filed by her as against the order dated 18.7.2016 bearing Ref.No.Na.Ka.No.1914/A2/2015 on the file of the second respondent and consequently, reinstate her into service as secondary grade teacher with all monetary benefits.

3. Though very many contentions have been raised in the affidavit filed in support of the writ petition, at the time of making submissions, learned counsel appearing for the petitioner submitted that the petitioner was removed from service on 18.7.2016 and as against the order of removal, she preferred an appeal dated 21.7.2016 before the first respondent and it would be suffice, if a direction is given to the first respondent to dispose of the appeal within a specific time.

4. In view of the said submission made by the learned counsel appearing for the petitioner, I am of the opinion, it is not necessary for this Court to deal with the entire averments made in the affidavit filed in support of the writ petition.

5. Though a positive direction is sought for in this writ petition, I am of the opinion, this Court cannot give such a positive direction. However, considering the facts and circumstances of the case and considering the submission made by the learned counsel appearing for the petitioner, without going into the merits of the claim made by the petitioner, this Court directs the first respondent to dispose of the appeal dated 21.7.2016 filed by the petitioner as against the order dated 18.7.2016 bearing Ref.No.Na.Ka.No.1914/A2/2015, 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 in her appeal and it is for the first 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai.

2.The District Elementary Educational
Officer,
Office of the District Elementary Educational
Officer,
Vellore, Vellore District.

3.The Assistant Elementary Educational
Officer,
Sholingur Union, Sholingur,
Vellore District.

+1 cc to M/s.Sai Bharath & Ilan Advocate vide sr 51426

W.P.No.31315 of 2016

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