

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40577 of 2016

M.Thankasekaran

... Petitioner

vs.

1. Director of Elementary Education,
Chennai - 6.
2. District Elementary Educational Officer,
Kancheepuram, Kancheepuram District.
3. Assistant Elementary Educational Officer,
Sriperumbudur, Kancheepuram District. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to permit the petitioner to join duty, considering the representation made by the petitioner on 01.05.2006 followed by reminders and pass orders.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.V. Anandhamoorthy,
A.G.P. (Education)

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 Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 01.05.2006 and permit him to join duty.

3. The petitioner would state that he joined as a junior Grade Secondary Grade teacher at Panchayat Union Elementary School, Alagur, on 28.07.2004 through Employment Exchange on consolidated pay of Rs.3000/- p.m. On 11.01.2005, the petitioner went to Kanyakumari to see his father, who was ill and subsequently, as the petitioner suffered paralytic attack, he took treatment in Kanyakumari. Hence, he applied for

medical leave. After recovery, he made representation on 01.05.2006, to the second respondent, to permit him to join duty, but, he was not permitted to join duty. Thereafter, petitioner made representation on 13.01.2014 to the first respondent and the first respondent directed him to approach the second respondent. The petitioner gave a representation to the second respondent on 26.11.2014 and the second respondent directed him to meet the third respondent. Hence, the petitioner gave representation in January 2015 to the third respondent and requested to permit him to join duty. The third respondent informed that he can take any action only by getting orders from the respondents 1 and 2. Since no action was taken by the respondents, the petitioner has come forward with the present writ petition.

5. Heard the submissions of the learned counsel appearing for the petitioner, and the learned Additional Government Pleader (Education), who takes notice for the respondents .

6. Considering the facts and circumstances made on either side and without going into the merits of the case, this Court directs the petitioner to give a fresh representation, along with a copy of this order to the third respondent, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the third respondent is directed to forward the same to the second respondent within a period of one week thereafter and second respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. 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 second respondent to consider the claim of the petitioner purely on merits.

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

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. Director of Elementary Education,
Chennai - 6.

2. District Elementary Educational Officer,
Kancheepuram, Kancheepuram District.

3. Assistant Elementary Educational Officer,
Sriperumbudur, Kancheepuram District.

+1 cc to M/s.c.S.Associates,sr.67424

+1 cc to Govt.Pleader,sr.67575.

gmi (co)
krd 9/1

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