



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.17291 of 2016

B.Henry Prabhakar

... Petitioner

vs.

1)The District Educational Officer,
Pudukkottai District,
Pudukkottai.

2)The Assistant Educational Officer,
Aranthangi,
Pudukkottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to allow the Petitioners to go on medical invalid retirement by considering the Petitioners representation dated 2.5.2016 within a stipulated time may be fixed by this Hon'ble court.

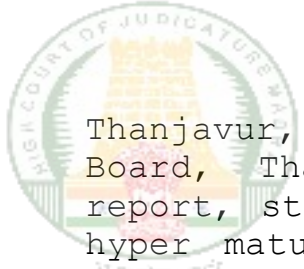
For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.V.Pandi, Government Advocate

ORDER

The petitioner had been appointed as a Secondary Grade Teacher on 31.05.1997 at Panchayat Union Primary School, Melakkadu, through the Employment Exchange. Subsequently, he was transferred to Panchayat Union Middle School, Mangudi, Aranthangi, and again, in 2005 as a Secondary Grade Teacher, he was transferred to Pandigudi Panchayat Union Primary Middle School. Thereafter, he was promoted as Headmaster in the year 2012, but the salary of the Headmaster was not given to him. Alleging that he has suffered 100% Mature Cataract and therefore his vision had totally gone, he has sought for retirement on medical invalidation.

2.The petitioner also appeared before the Medical Board of Government Headquarters Hospital, Pudukkottai, in which, the Medical Board has concluded that there is 100% blindness due to Mature Cataract. Thereafter, he was asked to appear before the Regional Medical Board, Thanjavur Medical College Hospital,



Thanjavur, and he also appeared before them. The Regional Medical Board, Thanjavur Medical College Hospital, Thanjavur, has given a report, stating that he has Mature Cataract in the right eye and hyper mature in the left eye. So stating, the petitioner has submitted a representation dated 02.05.2016 to the respondents, enclosing the Medical Report also. As the said representation has not been considered, the petitioner has approached this Court for a Writ of Mandamus, to direct the respondents to allow him to go on medical invalid retirement, by considering his representation dated 02.05.2016 within a stipulated time.

3.The learned counsel for the respondents submitted that it is agreeable for the 1st respondent to consider the representation of the petitioner dated 02.05.2016 and to pass orders.

4.When the petitioner claims that he has lost vision in both eyes and he is not able to discharge the duties of either Headmaster or a Teacher, it is not known what is the benefit for the respondents by keeping him in service.

5.Under such circumstances, the 1st respondent is directed to consider the representation of the petitioner dated 02.05.2016 and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1)The District Educational Officer,
Pudukkottai District,
Pudukkottai.

2)The Assistant Educational Officer,
Aranthangi,
Pudukkottai District.

+1 cc to M/S.P.KALIYARASI BHARATHI, Advocate SR.No.52762

+1 cc to Special Government Pleader SR.No.52409

W.P (MD) No.17291 of 2016
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SMA/DB/21/09/2016 :2P/5C