

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 18.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1218 of 2017

and

W.M.P.Nos.1152 and 1153 of 2017

K.Rajalakshmi

... Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by its Secretary,
School Educational Department,
Fort St.George,
Chennai - 600 009.
 2. The Director,
Elementary Education,
D.P.I. Compound,
College Road,
Chennai - 600 006.
 3. The District Elementary Educational Officer,
District Elementary educational Office,
Cuddalore.
 4. The Additional Assistant Elementary Educational
Officer,
Anna Gramam Block,
Panruti,
Cuddalore.
 5. The Head Master,
The Pachayat Union Middle School,
Anna Gramam Block, Panapakkam, Panruti,
Cuddalore.
- ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to treat the period from 1st September 2015 to till the date of joining as duty period/ compulsory wait and consequently sanction the petitioner with all the monetary benefits in the Post of B.T.Assistant (Science).

For Petitioner : Mr.N.R.Rajagopal

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government Pleader.

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader acceptys notice on behalf of the respondents 1 to 4.

2. The petitioner is a post graduate and joined duty as B.T. Assistant (Science) in the 5th respondent School. According to the petitioner, so far she has rendered honest, sincere and blemishless service. The petitioner would further aver that she was visited with disciplinary proceedings in the form of charge memo issued under Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary and Appeal) Rules and the 3rd respondent, by proceedings dated 11.02.2015 has imposed punishment of postponement of one increment for a period of one year without cumulative effect. The petitioner would further aver that in the counselling process, the post of the petitioner was shown as vacant though she continue to work in the capacity as B.T.Assistant. In this regard, she filed W.P.26284 of 2015 praying for a Writ of Mandamus forbearing the respondents from interfering with her continuance of duty as B.T.Assistant (Science) in the 5th respondent School. The petitioner would further aver that he has also sustained injury on account of unlawful act of one Mrs.Sindya, Educational officials and she was admitted as in-patient in Government Head Quarters Hospital, Cuddalore and discharged on 02.05.2015. The petitioner, in this regard, has lodged a criminal complaint. The petitioner was on medical leave from 18.08.2015 to 26.08.2015 and after expiry of leave, she tried to join duty but she was not permitted to join as one Mr.Saravanan has been transferred to her place. According to the petitioner, till date, no relieving order has been issued to her and she was neither relieved from service nor got transferred to some other School. The petitioner, in this regard, has also submitted a representation dated 14.09.2015 to the 3rd and 4th respondents and since no orders have been passed, she came forward to file this writ petition.

3. Heard the submission of the learned counsel for the petitioner and R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

4. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the writ petition or in the representation, directs the 3rd respondent to consider and dispose of the representation of the petitioner dated 14.09.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ

petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Secretary,
School Educational Department,
Fort St.George,
Chennai - 600 009.
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+1 cc to Mr.N.R.Rajagopalan Advocate sr 3987

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