

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26639 of 2017

K.Komala

.. Petitioner

-vs-

1. The District Collector
Kancheepuram District

2. The Child Development Project Officer
Chithamur, Kancheepuram District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of dismissal passed by the first respondent upon the petitioner in Se.Mu.Na.Ka.No.1021/A/2016 dated 13.07.2017, quash the same and consequently direct the respondents herein to reinstate the petitioner in service with effect from the date of dismissal i.e. From 01.10.2015 with all monetary and attendant benefits.

For Petitioner :: Mr.K.Thilagaraj

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition is directed against the impugned order dated 13.7.2017 discharging the petitioner from service.

2. Assailing the said order, the learned counsel for the petitioner submitted that although she was working as Teacher, she went on medical leave from 24.12.2013, as she was affected with certain ailments during November, 2013. In January, 2014, when she went to a hospital for check up, she was diagnosed for having acute transverse myelitis, as a result she lost her lower limbs and was unable to walk. In this background, she was called upon to appear before the Director of Social Obstetrics on 7.11.2014 by the proceedings dated 29.10.2014 in Na.Ka.No.8898/Ma.Ku/2014 for medical examination. Finally, the Chairman and Member of the Medical Board, Government Kasturba Gandhi Hospital for Women and Children, Chennai asked her to

appear before the Professor and Head of Department of Neurology, Rajiv Gandhi Government General Hospital, Chennai to decide as to (a) whether she may be recommended leave on medical grounds. If so, duration of leave period may be stated along with diagnosis and (b) whether she may be recommended invalidation on medical grounds. After proper medical examination by the HOD, she was diagnosed with transverse myelitis and a certificate to her fitness was also sent to the Medical Board, Kasturba Gandhi Hospital for Women and Children, Triplicane, Chennai. Thereafter, she was again subjected to medical examination on 11.1.2016 in the wake of proceedings of Government Kasturba Gandhi Hospital for Women and Children in Na.Ka.No.9713/MB/2015 and she was given permanent physical disability certificate by the Government Institute of Rehabilitation Medicine, Chennai certifying the petitioner as 75% disabled, as she is suffering from transverse myelitis. Finally she was declared unfit to continue in service by the Professor of Neurology, Madras Medical College, Chennai and a communication to that effect was also sent to the Chairman of Regional Medical Board, Chennai.

3. In these circumstances, the submission of the learned counsel that the respondents cannot discharge the petitioner from service, cannot be accepted. The reason is that the petitioner herself has admitted that she was given a permanent physical disability certificate by the Government Institute of Rehabilitation Medicine, Chennai certifying 75% disability, as she is suffering from transverse myelitis. Subsequently, she was also declared unfit to continue in service by the Professor of Neurology, Madras Medical College, Chennai. Since she is not fit for job, I do not find any merit to interfere with the impugned order of discharge. Secondly, the petitioner has not come to the Court challenging the correctness of the certificate issued by the Government Institute of Rehabilitation Medicine, Chennai certifying her unfitness to continue in service. Further, keeping in mind the interest of the children, this Court may not be in a position to entertain the writ petition, because, if the petitioner is allowed to continue, the students who are all coming with the fond hope that they will be able to get some learning, would be definitely left in the lurch. For this reason also, the writ petition fails. Therefore, the writ petition is dismissed. Consequently, W.M.P.No.28367 of 2017 is also dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

/TRUE COPY/

Sub Assistant Registrar

ss
To

1. The District Collector
Kancheepuram District
2. The Child Development Project Officer
Chithamur, Kancheepuram District

+1 C.C. to M/S. Government Pleader SR.No. 73729/17

W.P.No.26639 of 2017

KGK(CO)
T.R (15/11/2017)



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