

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. NO. 766 OF 2018

AND

W.M.P. NO. 932 OF 2018

R.S.Prabha

... Petitioner

- Vs -

1. District Elementary Educational Officer
Tiruvannamalai District
Tiruvannamalai.

2. Assistant Elementary Educational Officer
Pudupalayam Union
Tiruvannamalai District. ... Respondents

Writ Petition filed for the issuance of a writ of mandamus directing the respondents to regulatize the period of maternity leave applied by the petitioner from 7.3.2015 till 2.9.2015 for all attendant benefits, viz., increment, promotion in the post of secondary grade teacher and further direct the respondents to include the name of the petitioner in the list of B.T. Assistant (Science) as on 01.01.2017 with all consequential benefits such as retrospective promotion, etc.

For Petitioner : Mr. V.Suthakar

For Respondents: Mr. P.Raja, Govt. Advocate

ORDER

Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

2. This writ petition has been filed by the petitioner for a direction to the respondents to regularise the period of maternity leave applied by the petitioner from 7.3.2015 till 2.9.2015 for all attendant benefits, viz., increment, promotion in the post of secondary grade teacher and further direct the respondents to include the name of the petitioner in the list of B.T. Assistant (Science) as on 01.01.2017 with all consequential benefits such as retrospective promotion, etc.

3. Learned counsel appearing for the petitioner submits that the petitioner was appointed as Secondary grade Teacher in the Panchayat Union Middle School at Devananthal, Pudupalayam Block, Tiruvannamalai District on 9.10.14. She acquired higher qualification and also completed two years of service in the cadre of secondary grade teacher on 25.10.2016. Thereafter only, she applied for maternity leave for 180 days, which was duly sanctioned.

4. Learned counsel for the petitioner further submitted that all the female Government employees are eligible for six months of maternity leave, which was in vogue during the period 2015-2016. The entire period of maternity leave has to be treated as duty for all purposes. The Government has now increased the maternity leave from 6 months to 9 months. It is submitted by the learned counsel appearing for the petitioner that since the respondents have not regularised the services of the petitioner till date the name of the petitioner was not included in the panel for promotion. In this regard, the petitioner has given a representation on 30.11.17 with a request to include her name in the list of B.T. Assistant on 1.1.2017 by regularising the period when she was on maternity leave from 7.3.2015 to 2.9.2015. However, till date no order has been passed.

5. Learned counsel appearing for the respondents submits that this Court may direct the respondents to consider the said representation and pass orders thereon within a particular time frame.

6. Therefore, this Court, without going into the merits of the matter, directs the respondents to consider the representation submitted by the petitioner dated 30.11.17 and pass orders thereon, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the aforesaid direction. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

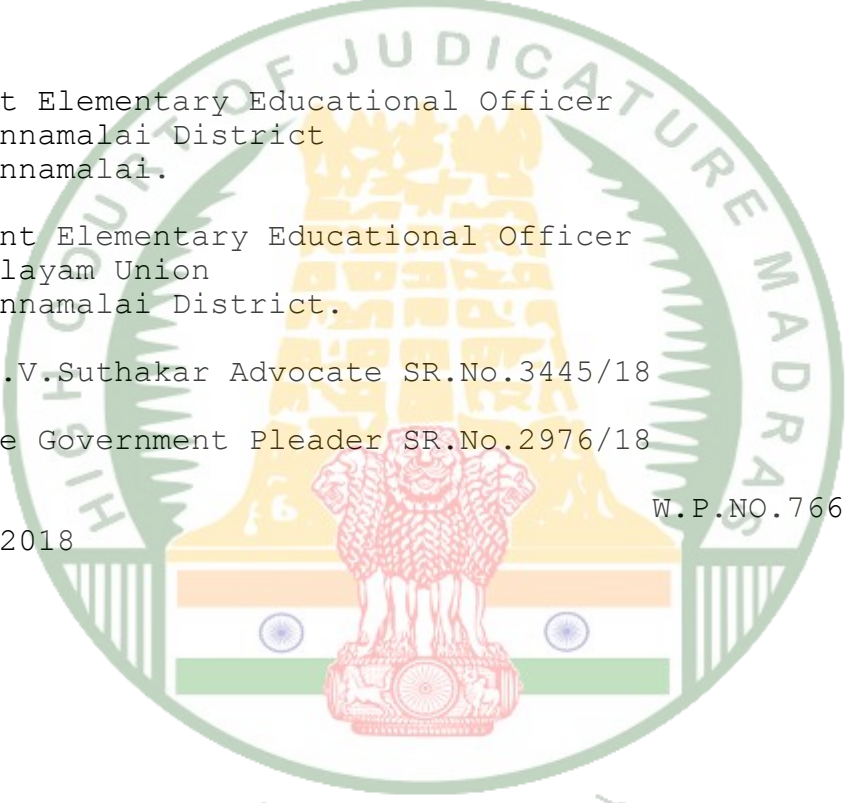
1. District Elementary Educational Officer
Tiruvannamalai District
Tiruvannamalai.
2. Assistant Elementary Educational Officer
Pudupalayam Union
Tiruvannamalai District.

+1cc to Mr.V.Suthakar Advocate SR.No.3445/18

+1cc to the Government Pleader SR.No.2976/18

SDR 05.02.2018

W.P.NO.766 OF 2018



सत्यमेव जयते

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