

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.17233 of 2018

V.Premakumari

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Fort St.George, Chennai-9.

2.The Director of School Education,
College Road, Chennai-6.

3.The Joint Director,
School Educational (Secondary),
College Road, Chennai-6.

4.The Chief Educational Officer,
Ariyalur, Ariyalur District,

5.The District Educational Officer,
Ariyalur, Ariyalur District.

6.The Headmaster,
Govt. Hr.Sec School,
Kizhapazhuvur, Ariyalur - 621 707.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the third respondent to consider the petitioner's explanation submitted on 08.02.2017 to the show cause notice issued by the 3rd respondent in his proceedings Na.Ka.No.76064/C3/E2/14 dated 23.01.2017 and followed with further representation on 04.12.2017 and pass orders forthwith as assured by the learned Addl. Government Pleader (Education) which is recorded in the order of the Hon'ble High Court in W.P.No.4365 of 2017 dated 24.02.2017 and sanction annual increments, selection grade pay on completion of 10 years of service i.e., from 01.06.2016 and 7th pay commission benefits and other benefits.

For Petitioner : Mr.V.Krishnamurthy

For Respondents : Mrs.P.Kavitha,
Government Advocate

O R D E R

Heard Mr.V.Krishnamurthy, learned counsel for the petitioner. Mrs.P.Kavitha, learned Government Advocate takes notice for the respondents.

2. By consent of the parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner has filed the above writ petition to issue a Writ of Mandamus, to direct the third respondent to consider the petitioner's explanation submitted on 08.02.2017, to the show cause notice issued by the 3rd respondent in his proceedings Na.Ka.No.76064/C3/E2/14 dated 23.01.2017 and followed with further representation on 04.12.2017 and pass orders forthwith as assured by the learned Additional Government Pleader (Education) which is recorded in the order of the Hon'ble High Court in W.P.No.4365 of 2017 dated 24.02.2017 and sanction annual increments, selection grade pay on completion of 10 years of service i.e., from 01.06.2016 and 7th pay commission benefits and other benefits.

4. As aforesaid, the same writ petitioner has approached this Court earlier, challenging the show cause notice dated 23.01.2017 in W.P.No.4635 of 2017 dated 24.02.2017. The learned Judge of this Court gave direction to the writ petitioner to withdraw the writ petition and has given certain directions as follows:-

"After some arguments, the learned counsel for the petitioner seeks permission of this Court to withdraw this writ petition with a liberty to pursue the remedy administratively and also made an endorsement to that effect. The learned counsel also expresses apprehension that before considering the explanation given by the petitioner to the show cause notice, her services are likely to be dispensed with and therefore, prays for appropriate protection.

2. Per contra, Mr.V.Anandamoorthy, learned Additional Government Pleader (Edn) who accepts notice on behalf of the respondents, would submit that the explanation/response submitted by the petitioner to the show cause notice, will be considered in right earnest and till final orders are passed, the services of the petitioner will not be dispensed with.

3. In the light of the endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as withdrawn. It is made clear that till the 3rd respondent considers and dispose of the proceedings pertain to the show cause notice, the services of the petitioner shall not be dispensed with. No costs."

5. It appears that in pursuance of the direction of this Court in the aforesaid writ petition, no final order has been passed. However, without waiting for the final order, the petitioner has once again chosen to approach this Court by way of the present writ petition with the aforesaid prayer.

6. This Court is of the considered view that such prayer is not maintainable and the writ petition itself is premature, since the petitioner has to await final orders to be passed in pursuance of the direction by this Court in the aforesaid writ petition.

7. Therefore, this Court finds that there is no merit in the writ petition and the same is dismissed as not maintainable. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
School Education Department,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
College Road, Chennai-6.
- 3.The Joint Director,
School Educational (Secondary),
College Road, Chennai-6.
- 4.The Chief Educational Officer,
Ariyalur, Ariyalur District,
- 5.The District Educational Officer,
Ariyalur, Ariyalur District.
- 6.The Headmaster,
Govt. Hr.Sec School,
Kizhapazhuvur, Ariyalur - 621 707.

+ 1 cc to Mr. Government Pleader Sr.45735
+ 1 cc to Mr. V.Krishnamurthy, Advocate Sr.44757

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