

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.10.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.27720 of 2018

T.Anubharathy ...Petitioner
Versus

1. The Chief Educational Officer,
Chief Educational Office,
Thiruvavur,
Thiruvavur District
 2. The Correspondent,
Jayalakshmi Vilas Middle School,
Manargudi - 614 001,
Thiruvavur District
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st respondent to dispose of the appeal dated 14.03.2018 preferred by the petitioner.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mrs.P.Kavitha,
Government Advocate for R1

O R D E R

Mrs.P.Kavitha, learned Government Advocate accepts notice on behalf of the 1st respondent. So far as the 2nd respondent is concerned, no notice be issued and as such, no relief is sought for against him.

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2. The case of the petitioner is that though she had proceeded on maternity leave after duly applying for the same, but when she reported for duty on 13.12.2017 after expiry of the maternity leave period, the second respondent refused to allow her to join duty, and without conducting enquiry and without prior approval from the District Educational Officer, passed an order of removal dated 12.02.2018. In this regard, the

petitioner filed an appeal before the first respondent against such dismissal order on 14.03.2018, which is yet to be disposed of. Hence, the petitioner has come to this Court seeking a writ of mandamus to direct the first respondent to dispose of the appeal within a time bound manner.

3. The learned counsel appearing for the petitioner, submits that since the petitioner is out of service for more than nine months and the appeal filed by her is pending before the 1st respondent for disposal, as such the 1st respondent may be directed to dispose of the same in a time bound manner.

4. Mrs.P.Kavitha, learned Government Advocate, who accepts notice on behalf of the first respondent, submits that the first respondent shall have no objection for disposal of the appeal within the period as stipulated by this Court, but no fetter on the first respondent be put to dispose of the appeal in any particular manner.

5. Regard being had to the facts and submissions made, especially the nature of relief sought for, this Court dispose of this writ petition with a direction to the 1st respondent to dispose of the appeal dated 14.03.2018 in its own merit and in the manner known to law, within a period of six weeks from the date of receipt of copy of this order, if not already disposed of and there is no other legal impediment.

6. With the aforesaid order, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Educational Officer,
Chief Educational Office,
Thiruvvarur,
Thiruvvarur District

2. The Correspondent,
Jayalakshmi Vilas Middle School,
Manargudi - 614 001,
Thiruvarur District

+1cc to Mr.S.T.Varadarajulu, Advocate sr.no.73779

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nr 29/10/2018



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