

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.30103 of 2018
and
W.M.P.No.35119 of 2018

S.Greeta Fernando

... Petitioner

Versus

The Director of Elementary Education,
DPI Compound, college Road,
Chennai-6.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus or direction in the nature of writ, directing the respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 18.04.2017 by taking note of the order passed in W.P.No. 9896 of 2010, dated 15.07.2014.

For Petitioner : Mr.C.Prakasam

For Respondent : Mrs.P.Kavitha
Government Advocate

O R D E R

The prayer sought for in this writ petition is to direct the respondent to consider and pass orders, on the representation dated 18.04.2017 made by the petitioner, by taking note of the order passed by this Court in W.P.No.9896 of 2010 dated 15.07.2014.

2. The learned counsel for the petitioner submitted that the petitioner had earlier approached this Court by filing a writ petition in W.P.No.9896 of 2010, which was dismissed by this Court on 15.07.2014 with the following observation :

" 4. I find that the petitioner was responsible for the delay. However, as the matter is pending for more than five years, as the order of suspension was dated 22.06.2009, as there is no legal interference with the order of suspension, while

dismissing the writ petition, this Court directs the respondent to proceed with the enquiry by framing charges if not framed earlier and pass final orders within a period of six months. The Enquiry Officer need not adjourn the enquiry for more than 3 days at a point of time and complete the enquiry within six months. If any adjournment is sought by either party, they have to submit a letter stating the reason for seeking adjournment. The Enquiry Officer shall complete the enquiry and pass a final order within the time stated supra. If the above said exercise is not completed within the time stipulated, it is open to the authority to reinstate the petitioner in service and then proceed further on the charges that may be framed against her."

Despite the specific direction issued by this Court, the Enquiry Officer has not completed the enquiry within the stipulated time. Hence, the petitioner made a representation to the respondent on 18.04.2017, requesting to reinstate her into service, in the light of the aforesaid order dated 15.07.2014 passed by this Court in W.P.No.9896 of 2010 and the same is pending without any consideration. Therefore, the petitioner is before this Court.

3. Today, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondent submitted the petitioner has been reinstated in the service. She has also produced a copy of the proceedings vide No.Na.Ka.No.1156/Aa1/2018, dated 04.01.2019, to that effect.

4. Recording the same, this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

ms
To

Sub Assistant Registrar

The Director of Elementary Education,
DPI Compound, college Road,
Chennai-6.

+1 cc to Mr.C.Prakasam, Advocate, S.R.No.4605
+1 cc to the Government Pleader, S.R.No.5063

W.P.No.30103 of 2018
and W.M.P.No.35119 of 2018

SV(CO)
SSM(06/03/2019)