



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

W.P(MD)No.13110 of 2017

and

W.M.P(MD) .Nos.10177 of 2017

and

W.M.P(MD) .No.17015 of 2018

Sister Rajareega Mary

... Petitioner

Vs.

1.The Director of School Education,
College Road, Nungambakkam,
Chennai-600006.

2.The Chief Education Officer,
Madurai Road, Tiruchirappalli.

3.The District Education Officer,
Musiri-621 211,
Trichy District.

4.The Superior General,
M/s., Servite Generelate,
36-37, Tank Band Road,
Nungambakkam, Chennai-34.

5.The Correspondent,
M/s Amala Girls Higher Secondary School,
Musiri, Trichy District.

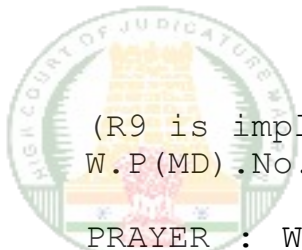
6.The Correspondent,
M/s Sirumalar Girls Higher Secondary School,
Nagamalai, Madurai.

7.The District Educational Officer,
Office of District Educational Officer,
Tallakulam, Madurai-2

8.The Chief Educational Officer,
Office of Chief Educational Officer,
Tallakulam, Madurai-2.

9.The Accountant General,
AG's Office Complex,
361, Anna Salai,
Rostrevor Garden, Teynampet,
Chennai-16

... Respondents



(R9 is impleaded as per order dated 18.12.2018 in W.P(MD).No.13110 of 2017)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 1, 2, 3 and 5 to grant approval for the voluntary retirement of the petitioner from the fifth respondent school with all retirement benefits considering the representation of the petitioner dated 22.04.2017 within time frame fixed by this Court.

For Petitioner	: Mr.R.Subramanian
For R1, R3, R7 & R8	: Mrs.Srimathy Special Government Pleader
For R4 to R6	: Ms.Amala for M/s.Isaac Chambers
For R9	: Mr.Gunasekaran

ORDER

The prayer in the Writ Petition is as follows:-

"to direct the respondents 1, 2, 3 and 5 to grant approval for the voluntary retirement of the petitioner from the fifth respondent school with all retirement benefits considering the representation of the petitioner dated 22.04.2017 within time frame fixed by this Court."

2. The respondents 4 to 6 have filed a common counter, wherein it is stated that the request for voluntary retirement as Head Mistress made by the petitioner could not be considered because the petitioner is in possession of the service register.

3. Though the said reason is totally unconvincing, the petitioner is directed to hand over the service register to the fourth respondent by 21.12.2018. On receipt of same, the fourth respondent shall accept the request for voluntary retirement as Head Mistress made by the petitioner on 22.04.2017 and pass appropriate orders on or before 31.12.2018. However, there will be a direction to the fifth respondent to forward the pension proposals of the petitioner within a period of one month ie., on or before 31.01.2019. Thereafter, on receipt of the same, the second and third respondents, namely, the Chief Educational Officer, Thiruchirappalli and the District Education Officer, Musiri, are directed to forward the pension proposals to the competent authority by 31.01.2019.

4. The competent authority, namely, Accountant General, AG's Office Complex, 361, Anna Salai, Rostrevor Garden, Teynampet, Chennai-18 is impleaded *suo motu* as the ninth respondent in the writ petition. Mr.P.Gunasekaran, leaned counsel, takes notice on behalf of the newly added party.



5. There will be a direction to the ninth respondent to process the pension papers and issue suitable orders on or before 28.02.2019. It is made clear that the time line stated above shall be strictly adhered to by the authority concerned.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Director of School Education,
College Road, Nungambakkam,
Chennai-600006.
2. The Chief Education Officer,
Madurai Road, Tiruchirappalli.
3. The District Education Officer,
Musiri-621 211,
Trichy District.
4. The District Educational Officer,
Office of District Educational Officer,
Tallakulam, Madurai-2
5. The Chief Educational Officer,
Office of Chief Educational Officer,
Tallakulam, Madurai-2.
6. The Accountant General,
AG's Office Complex,
361, Anna Salai,
Rostrevor Garden, Teynampet,
Chennai-18

+1cc to Mr.R.J.KARTHICK, Advocate, SR.No. 100996
+1cc to Mr.R.GUNASEKARAN, Advocate, SR.No.101432
+1cc to M/S.ISSAC CHAMBERS, Advocate, SR.No.101427

W.P (MD) No.13110 of 2017

RMK
KK/RSK/SAR-4/21.12.2018/3P-10C