

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17351 of 2019

R. Gomathi

...Petitioner

vs

1. The Chief Education Officer,
Denkanikottai,
Krishnagiri Chennai.

2. The District Education Officer,
Krishnagiri,
Krishnagiri District.

3. The Block Education Officer,
Denkanikottai,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the respondents to pass appropriate orders allowing the petitioner to rejoin the duty as Secondary Grade Assistant in Panchayat Union Middle School, Duddampatti forthwith with all consequential and other attendant service benefits, by considering the representation submitted by the petitioner dated 07.08.2018.

For Petitioner : Mr. T. Dharani

For Respondents : Mr. G. Karthikeyan,
Government Advocate

O R D E R

With the consent of both the parties, the Writ Petition is taken up for final disposal at the stage of Admission itself.

2. The petitioner filed this Writ Petition seeking direction to direct the respondents to pass appropriate orders allowing the petitioner to rejoin the duty as Secondary Grade Assistant in Panchayat Union Middle School, Duddampatti forthwith with all consequential and other attendant service benefits, by considering the representation submitted by the petitioner dated 07.08.2018.

3. The case of the petitioner is that the petitioner was appointed as Secondary Grade Assistant by proceedings of the first respondent dated 28.02.2008 based on the Employment Exchange Seniority and posted in Panchayat Union Middle Duddampatti, Salem District. Thereafter the petitioner completed her probation on 02.03.2010. While so, the petitioner had suffered severe ailments turned into serious, she applied for leave from June 2016 onwards. The leave was obtained by the petitioner due to her health condition. The relevant point of time, due to severe mental health the petitioner was not able to join immediately and had been taking Ayurvedic treatment for ailment and lot of money had been spent towards her medical expenditure. Therefore the entire family was seriously affected with loss of health and materials.

4. When the petitioner approached the respondent office, it was informed that she should give representation along with Medical Certificates to re-join the duty. Accordingly, the petitioner submitted a representation to re-join duty along with Medical Certificates to the second respondent on 07.08.2018 but till date her representation was not considered. Hence the present Writ Petition is filed.

5. The learned counsel for the petitioner would submit that it would be suffice to direction to the second respondent to consider the representation dated 07.08.2019 and pass orders on merits and in accordance with law.

6. Mr. G. Karthikeyan, learned Government Advocate appearing for the respondents would submit that the petitioner was unauthorizedly absent and he did not report for duty for more than three years and since disciplinary proceedings are pending, representation for rejoining the duty cannot be considered till the conclusion of the disciplinary proceedings.

7. Considering the facts and circumstances of the case, and since disciplinary proceedings are pending against the petitioner, I am inclined to issue any direction to the respondent to conclude the departmental proceedings. However liberty is granted to the petitioner to make a fresh representation for early conclusion of the disciplinary proceedings. With the above observation, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mrn

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Denkanikottai,
Krishnagiri Chennai.
2. The District Education Officer,
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Krishnagiri District.
3. The Block Education Officer,
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+1cc to the Government Pleader Sr.84524

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srg 13/12/2019

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