



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition (MD).No.10097 of 2019

Santhalakshmi

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamilnadu,
School Education,,
St. George Fort,
Chennai 600 009.
2. The Director of Elementary Education,
DPI Campus,
College Road,
Chennai 600 006.
3. The Joint Director of Elementary Education,
(Aided School),
DPI Campus,
College Road,
Chennai 600 006.
4. The District Elementary Education Officer,
Thanjavur District.
5. The Assistant Elementary Education Officer,
O/o. Assistant Elementary Education Office,
Muthupillai Mandapam,
Kumbakonam,
Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fourth respondent to reinstate of the petitioner as Headmistress in any vacant place of Government/Aided Private Schools with continuity of service and also to pay her the arrears of salary.

For Petitioner : Mr.A.Baalasundharam

For Respondents : Mrs.S.Srimathy
Special Government Pleader

**ORDER**

This writ petition has been filed for issuance of a Writ of Mandamus directing the fourth respondent to reinstate the petitioner as Headmistress in any vacant place of Government/Aided Private Schools with continuity of service and also to pay her the arrears of salary.

2. The petitioner was working as Headmistress in Sree Krishna Aided Primary School, Kumbakonam, Thanjavur District. A criminal case was registered by Kumbakonam East Police Station in Crime No.261 of 2004 for the offence under Section 304(a) of I.P.C. against the Correspondent of the School and four teachers including the petitioner. The aforesaid F.I.R. was subsequently altered into under Sections 304, 338, 285, 108 and 109 of I.P.C., and other penal provisions and the case was taken on file in S.C.No.275 of 2006 on the file of Principal Sessions Court, Thanjavur and the petitioner was convicted by judgment dated 30.07.2014 and he was sentenced to undergo five years rigorous imprisonment under Section 304(2)I.P.C., and to pay a fine of Rs.100/- under Section 46 and a fine of Rs.500/- under Section 47(1) of Tamil Nadu Recognised Private School (Regulation) Act, 1973. Aggrieved by the aforesaid judgment passed by the Principal Sessions Court, Thanjavur, the petitioner has preferred an appeal before this Court in CrI.A.(MD). No.243 of 2014. This Court, by common judgment dated 10.08.2017, acquitted the petitioner in all charges. Subsequently, no appeal has been preferred challenging the aforesaid judgment passed by this Court. The petitioner made a representation to the respondents to reinstate the petitioner into service. But, so far no order has been passed. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the third respondent in his proceedings No.O.Mu.No.28281/H/2017, dated 04.12.2017, has directed the fourth respondent to take appropriate action, after getting necessary legal opinion on the judgment of this Court, dated 10.08.2017. Since the petitioner's superannuation falls on 31.06.2019, she has approached the second and third respondent and the third respondent in his proceedings dated 23.01.2018, directed the fourth respondent to send the proposal to enable the third respondent to take action. But till date the fourth respondent has not responded to the said proposal. Hence, the petitioner has filed the present writ petition.

4. The learned Special Government Pleader appearing for the respondents would submit that the fourth respondent is the authority to consider the petitioner's representation, dated 14.10.2017, and if necessary, the fourth respondent has to get necessary approval from the higher authority and pass orders.



5. Considering the fact that the petitioner has submitted her representation on 14.10.2017 to the respondents and the third respondent has communicated the same to the fourth respondent by proceedings No.O.Mu.No.28281/H/2017, dated 04.12.2017, to take necessary action on the representation made by the petitioner, after obtaining legal opinion on the judgment of this Court, dated 10.08.2017. The first respondent has also communicated a letter dated 10.10.2018, addressed to the Director of Elementary Education for furnishing particulars in respect of the incident met out, for payment of arrears to the petitioner. Admittedly, so far no final order is passed. The respondents 1 and 2 are directed to send appropriate instructions or clarifications to the fourth respondent, for sanctioning of the proposal of the petitioner for payment of arrears of salary and other benefits, within a period of two months from the date of receipt of a copy of this order. Thereafter, the fourth respondent is directed to pass orders in accordance with law, within a period of six weeks, based on the communication received from the first and second respondents, by considering the petitioner's representation dated 14.10.2017.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

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O/o. Assistant Elementary Education Office,
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Thanjavur District.

+1CC TO MR.K.BAALASUNDHARAM, Advocate Sr. No.70149
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 70442

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TR (04.07.2019) 4P 8C