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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.06.2019**

CORAM:

**THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR
W.P. (MD)No.13634 of 2019**

**and
W.M.P (MD)Nos.10207 & 10208 of 2019**

P.Jenitta Mary

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai-600 009.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
- 4.The District Educational Officer,
Manaparai, Trichy District.
- 5.The Block Educational Officer,
Marungapuri Union,
Trichy District.
- 6.The Headmaster,
Panchayat Union Primary School,
Kallaakkampatti,
Marungapuri Union,
Trichy District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent herein to reinstate the petitioner in service as Secondary Grade Teacher in the 6th respondent school and consequently disburse all monetary benefits including subsistence allowance to the petitioner from 01.11.2017 onwards.

For Petitioner : Mr.A.Ajith Geethan

For Respondents : Mr.A.Thiagarajan

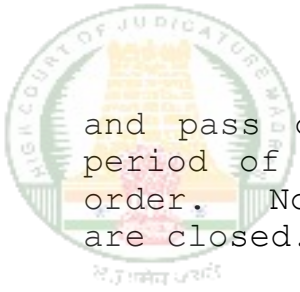
**ORDER**

The petitioner seeks for a direction to direct third respondent herein to reinstate the petitioner in service as Secondary Grade Teacher in the 6th respondent school and consequently disburse all monetary benefits including subsistence allowance to the petitioner from 01.11.2017 onwards.

2.The learned counsel appearing for the petitioner would submit that the petitioner's husband Mr.Y.Frankling Prakash has been working as Junior Assistant in the office of the Senior Divisional Finance Manager, Salem Division, Salem Southern Railway. While working there, the Central Bureau Investigation registered a case in R.C.No.MA1 A0006 dated 13.03.2017 against her husband under Section 120B r/w 420 of IPC and Section 13(2) r/w 13(1) (d) of PC Act 1988. The entire allegations made in the FIR are false and the petitioner has no way connected in this case. The petitioner was arrested on 13.10.2017 and thereafter, she was under suspension from 1.11.2017 onwards and there is no progress in the criminal case well as the disciplinary proceedings and there is no subsistence allowance was paid to the petitioner. Therefore, the petitioner has submitted an application before the fourth respondent through the fifth respondent on 04.04.2018 seeking subsistence allowance and reinstatement. The fifth respondent also recommended to the fourth respondent on 30.04.2018 and 03.07.2018 respectively. Thereafter, the petitioner has made a representation to the fourth respondent on 31.08.2018 requesting to disburse the subsistence allowance and to permit the petitioner to re-join in the school. Since the fourth respondent has not pass any orders on the representation, the petitioner has made a representation to the third respondent on 23.11.2018. The third respondent also advised the fourth respondent on 21.01.2019 to take steps for disbursing subsistence allowance. However, the third respondent has not disbursed the subsistence allowance and has not passed any order with regard to reinstatement. Finally, the petitioner submitted her representation to the fourth respondent on 11.05.2019 requesting to re-instate the petitioner in service by revoking the deemed suspension and disbursing the subsistence allowance. According to the petitioner, the petitioner was under suspension for more than 18 months and he was not paid subsistence allowance. Hence, the petitioner has filed the present writ petition for the aforesaid relief. Further, it would suffice, if the said authority is directed to dispose of the representation made by the petitioner.

3.The learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner for payment of subsistence allowance will be considered on merits.

4.Considering the limited scope of the prayer and without going into the merits of the matter, this Court directs the fourth respondent to consider petitioner's representation, dated 11.05.2019



and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
- 2.The Director of Elementary Education,
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Chennai-600 009.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
- 4.The District Educational Officer,
Manaparai, Trichy District.
- 5.The Block Educational Officer,
Marungapuri Union,
Trichy District.

+1 CC to Mr.A.AJITH GEETHAN, Advocate (SR-69399[F] dated 18/06/2019)

+1 CC to SPL GP (SR-69945[F] dated 19/06/2019)

W.P (MD) No.13634 of 2019
18.06.2019

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