



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
WP (MD) Nos.6708 and 6781 of 2019
and
WMP (MD) Nos.5356, 5357 and 5423 of 2019

W.P. (MD) No. 6708 of 2019

D.Stella Margaret

... Petitioner

Vs.

1.The Secretary to Government,
Department of School Education,
Saint George Fort, Chennai.

2.The Director of School Education,
School Education Department,
DPI Compound, Chennai.

3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

5.The Block Educational Officer,
Manur @ Rastha Educational District,
Tirunelveli.

6. The Correspondent,
T.DT.A.Primary School,
Samputhoo,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned rejection order, passed by the fifth respondent in Na.Ka.No. 769/Aa1/2018 dated 13.08.2018 and consequential order passed in A.Thi.Mu.No.769/Aa4/2018, dated 24.08.2018 quash the same and consequently direct the fifth respondent to approve the petitioner's transfer from 02.06.2018 as a Headmaster at sixth respondent school and give all other service and monetary benefit.



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For Petitioner : Mr.S.Chellapandian
For Respondents : Mrs.S.Srimathy,
Special Government Pleader
for R.1 to R.5
: Mr.T.Palanichamy
for R.6

W.P. (MD) No. 6781 of 2019

Edith Chardies

... Petitioner

Vs.

- 1.The Secretary to Government,
Department of School Education,
Saint George Fort, Chennai.
- 2.The Director of School Education,
School Education Department,
DPI Compound, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.
5. The Correspondent,
Mary Sargent Higher Secondary
School for Girls,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned rejection order passed by the fourth respondent in Na.Ka.No.4358/Aa3/2018, dated 12.10.2018 and quash the same and consequently direct the fourth respondent to approve the petitioner's promotion as Headmistress at fifth respondent school and give all other service and monetary benefit.



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For Petitioner : Mr.S.Chellapandian
For Respondents : Mrs.S.Srimathy,
Special Government Pleader
for R.1 to R.4
: Mr.T.Palanichamy
for R.5

COMMON ORDER

W.P.(MD)No.6708 of 2019 is filed seeking to quash the impugned rejection order, passed by the fifth respondent and the consequential order passed in A.Thi.Mu.No.769/Aa4/2018, dated 24.08.2018 and consequently direct the fifth respondent to approve the petitioner's transfer from 02.06.2018 as a Headmaster at sixth respondent school and give all other service and monetary benefit.

2. W.P.(MD)No.6781 of 2019 is filed seeking to quash the impugned rejection order passed by the fourth respondent, dated 12.10.2018 and consequently direct the fourth respondent to approve the petitioner's promotion as Headmistress at fifth respondent school and give all other service and monetary benefit.

3.The short point in issue is that the above referred prayer of the petitioners came to be rejected by the respondents on the ground of want of certain details.

4.The learned Counsel for the petitioners brought to the notice of this Court a communication dated 07.11.2017 and 08.09.2018 respectively, wherein all the certificates required by the respondents have been enclosed. Without proper perusal, the impugned orders came to be passed and hence, the petitioners seek to quash the same.

5.Per contra, the learned Special Government Pleader appearing for the respondents submitted that as on date, no such representations enclosing the required certificates have been received by the respondents. If the petitioners produce the same, the respondents would consider the same and pass orders afresh.

6.In view of the above submissions made on either side, the orders impugned in these writ petitions are set aside and the matter is remitted back to the respondents for fresh consideration. Accordingly, the petitioners are directed to submit a copy of the representation enclosing all the certificates required by the respondents to them,



within a period two weeks from the date of receipt of a copy of this order and on such submission, the respondents are directed to consider the same, on merits and in accordance with law and pass necessary orders afresh, after affording opportunity of hearing to the petitioners, within a period of six weeks therefrom. In the meanwhile, the respondents are directed to pay the salary to the petitioners for the services already rendered by them and also continue to pay the salary.

7. With the above direction, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Department of School Education,
Saint George Fort, Chennai.
2. The Director of School Education,
School Education Department,
DPI Compound, Chennai.
3. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
4. The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.
5. The Block Educational Officer,
Manur @ Rastha Educational District,
Tirunelveli.

+2 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-63093& 63092).
+1 CC to SPL GP (SR-64064[F] dated 29/04/2019)

**ORDER MADE IN
WP(MD) Nos. 6708 and 6781 of 2019**

CS: 28/05/2019/4P/8C