

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.7610 of 2019**

Mary Rabina Blessing

... Petitioner

Vs.

1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat, St. Fort George,
Chennai - 9.

2.The Director of School Education,
College Road, Chennai - 6.

3.The District Educational Officer,
Thoothukudi,
Now under District Educational Officer,
Tiruchendur,
Thoothukudi District.

4.The Correspondent,
Margoschis Higher Secondary School,
Nazareth - 628 617,
Thoothukudi District.

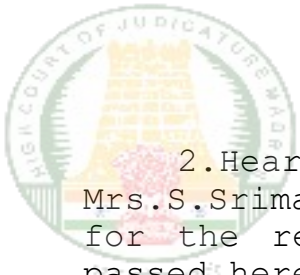
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to pay the monetary and service benefits for the period from 26.04.2004 to 07.02.2006 as Office Assistant in the fourth respondent School, by considering the petitioner's representation, dated 05.12.2018.

For Petitioner : Mr.T.A.Ebenezer

For RR 1 to 3 : Mrs.S.Srimathy,
Special Government Pleader.**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to pay monetary and service benefits to the petitioner for the period from 26.04.2004 to 07.02.2006 as Office Assistant in the fourth respondent School, by considering her representation, dated 05.12.2018.



2. Heard the learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader, who takes notice for the respondents 1 to 3. In view of the limited order being passed hereunder, notice to the fourth respondent is dispensed with. By consent, the Writ Petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that she was appointed as an Office Assistant in the fourth respondent School on 26.04.2004, which is a Government Aided Minority School. Based on the proceedings issued by the third respondent, dated 27.08.2012, the appointment of the petitioner as Office Assistant was approved only on 07.02.2006. According to the petitioner, the appointment of the petitioner ought to have been approved from the date of her appointment, i.e. from 26.04.2004, but it was approved only from 07.02.2006. Hence, the petitioner lost aided salary for the work done, during the period from 26.04.2004 to 07.02.2006. Therefore, he made a representation, dated 05.12.2018 seeking to pay the monetary and service benefits for the said period as Office Assistant, but the same has not been considered by the respondents. Hence, the petitioner is before this Court with the above prayer.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner, dated 05.12.2018, seeking to pay monetary and service benefits for the abovesaid period, if there is no other legal impediment and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat, St. Fort George,
Chennai - 9.



2.The Director of School Education,
College Road, Chennai - 6.

3.The District Educational Officer,
Thoothukudi,
Now under District Educational Officer,
Tiruchendur,
Thoothukudi District.

+1cc to Mr.T.A.EBENEZER, Advocate, SR.No. 58310

+1cc to M/s.Special Government Pleader,SR.No. 58668

W.P (MD) No.7610 of 2019
01.04.2019

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