



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:02.04.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.9841 of 2015
and
M.P.(MD).No.1 of 2015

K.Rani

... Petitioner

vs.

1.The State of Tamil Nadu
rep. By the Director of Elementary Education,
D.P.I Compound
College Road,
Nungambakkam,
Chennai-06.

2.The District Elementary Educational Officer,
R.M.S Road,
Madurai.

3.The Assistant Additional Elementary Educational Officer,
Madurai East Region,
Madurai.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to provide the Middle School Assistant Teacher post to the petitioner with all monetary and other benefits and consequently to direct the respondents to provide the petitioner's backwages from the month of July 2010 to till the disposal of the writ petition with all other monetary and other benefits as provided earlier, to the petitioner by the respondents.

For Petitioner : Mr.S.Karthik
For Respondents : Mrs.S.Srimathy,
Special Government Pleader

ORDER

The Writ Petition has been filed to direct the respondents to provide the Middle School Assistant Teacher post to the petitioner with all monetary and other benefits and consequently to direct the respondents to provide the petitioner's backwages from the month of July 2010 to till the disposal of the writ petition with all other monetary and other benefits as provided earlier to the petitioner by the respondents.



2. Heard the learned Counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that her claim to provide the Middle School Assistant Post with all monetary benefits has not been considered by the respondents. Hence, she made a representation on 03.06.2015 and on its non-consideration, the petitioner is before this Court.

4.The learned counsel for the petitioner submitted that in earlier round of litigation seeking the same relief, this Court in W.P.(MD).No.9329 of 2010 directed the respondents to pass appropriate orders in the representation dated 08.04.2010 and the same was not considered in favour of the petitioner and the amounts were also not disbursed, as directed, despite the fact that the petitioner produced all the required documents for consideration. Even a contempt notice was also given. Despite the same, the request of the petitioner was not considered. Hence, the petitioner is before this Court.

5.The second respondent filed a counter affidavit, wherein para No.6 reads as follows:-

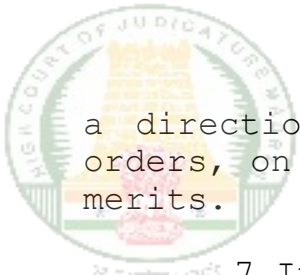
"It is also submitted that again on the strength of fixation of teaching staff on 01.08.2009, the petitioner was deployed to Harihara Jayaraman Primary School, Sedapatti in R.C.4102 A1 of 2009 dated 18.01.2011. It is pertinent to submit that the strength of the students in the school was as follows:

Standard	I	I	III	IV	V	VI	VII	VIII	TOTAL
strength	0+1	0+1	--	0+2	0+1	3+0	2+0	---	5+5
present	--	0+1	--	0+1	---	2+0	2+0	---	4+2

The attendance of the students was only 6 and hence the decision of closing the school was taken and necessary report was also sent to the higher authorities.

The petitioner has in para 7 of the affidavit has stated that no alternative job was given to her. It is submitted that in spite of deployment order given to her, she was not available to receive the order. The petitioner as usual refused to accept the deployment order and went on medical leave from 04.08.2010. It is also submitted that the petitioner was continuously absent from 14.07.2010 only to evade the authorities. The 2nd respondent directed the authorities to take action as per F.R.18(3) as the petitioner was absent over one year. The petitioner has conveniently suppressed this vital material fact to achieve her ends by false representation."

6. Such submission made by the second respondent is stoutly refuted by the learned counsel for the petitioner and submitted that



a direction may be issued to the respondent to pass appropriate orders, on the representation of the petitioner dated 03.06.2015, on merits.

7. In view of the above submission, without going into the merits of the case, the respondents are directed to pass appropriate orders on the representation of the petitioner dated 03.06.2015, on merits and as per law, within a period of four weeks from the date of receipt of a copy of this order by meeting out all the provisions.

8. The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

Vs

To

1. The Director of Elementary Education,
State of Tamil Nadu
D.P.I Compound, College Road,
Nungampakkam, Chennai-06.

2. The District Elementary Educational Officer,
R.M.S Road, Madurai.

3. The Assistant Additional Elementary Educational Officer,
Madurai East Region, Madurai.

+1 CC to M/s.SPL GP (SR-58614[F] dated 03/04/2019)

+1 CC to M/s.S.KARTHIK, Advocate (SR-58941[F] dated 04/04/2019)

W.P(MD) No.9841 of 2015
02.04.2019

ES/14.05.2019/3P/6C