



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.19353 of 2019

and

W.M.P.(MD)Nos.15782 to 15784 of 2019

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Yasmin

... Petitioner

-Vs-

1.The District Educational Officer,  
Madurai.

2.The Block Educational Officer,  
Madurai (South),  
Madurai.

3.The Secretary,  
Nadar Vidyasalai Middle School,  
16, 16A, 19, Nadar Vidyasalai Street,  
South Gate, Madurai-1.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned memo issued by the third respondent in his proceedings No.Nil, dated 09.08.2019 and quash the same as illegal.

For Petitioner : Mr.T.A.Ebenezer

For R1 and R2 : Mr.A.Thiagarajan,  
Government Advocate.

For R3 : Ms.M.Benazir Begam

**ORDER**

Heard Mr.T.A.Ebenezer, learned counsel appearing on behalf of the petitioner, Mr.A.Thiagarajan, learned Government Advocate appearing on behalf of the respondents 1 and 2 and Ms.M.Benazir Begam, learned counsel appearing on behalf of the third respondent.

2.The petitioner has come out with the present Writ Petition, challenging the memo, dated 09.08.2019, issued to the petitioner by the third respondent, not permitting the petitioner to work in the school for non-payment of amount borrowed by her from the co-teachers.

3.The third respondent filed counter affidavit. The learned counsel for the third respondent submitted that the petitioner has borrowed money from the co-teachers, retired teachers and third



parties. During lunch hours, the parents are permitted to enter into the school to provide lunch for their children. Taking advantage of the same, some third parties are entering into the school during the lunch hours and quarreling with the petitioner. To avoid the same, this memo was issued. Already 10 teachers have complained against the petitioner. The agent of the creditors came to the school and the third parties used filthy language against the petitioner and quarreled with each other. In view of the same, the students are affected and therefore, the petitioner was issued with the memo and prayed for dismissal of the Writ Petition.

4.From the materials on record and the impugned memo, it is seen that the petitioner was not permitted to join duty from 08.08.2019. According to the learned counsel for the petitioner, even though the petitioner submitted medical certificate and fitness certificate, the third respondent did not permit the petitioner to join duty. On the other hand, it is the contention of the learned counsel for the third respondent that due to the action of the petitioner, the school atmosphere is spoiled and the mind of the children is affected.

5.Considering the rival contentions made by the learned counsel for the petitioner and the third respondent, this Court directs the third respondent to permit the petitioner to join duty. However, it is open to the third respondent to take appropriate action as per law, against the petitioner.

6.With the above clarification, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1.The District Educational Officer,  
Madurai.

2.The Block Educational Officer,  
Madurai (South),  
Madurai.



+1 CC to M/s.T.A.EBENEZER, Advocate ( SR-88777[F] dated 24/09/2019 )

+1 CC to M/s.GP ( SR-89016[F] dated 24/09/2019 )

+1 CC to M/s.S.THANGARAJ, Advocate ( SR-88657[F] dated 23/09/2019 )

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**W.P. (MD)No.19353 of 201**  
**23.09.2019**

**myr**

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