



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2020

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P(MD)No.10135 of 2012

and

M.P(MD)No.1 of 2012

D.N.Deena Rexiline

... Petitioner

Vs.

1.The Provincial,
CMI (Carmelites of Mary Immaculate),
Provincial House, Pachalloor,
Thiruvallam,
Thiruvananthapuram District,
Kerala.

2.The Correspondent,
St. Mary's Higher Secondary School,
Kaliyal, Kuzhithurai,
Kanyakumari District.

3.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd respondent to disburse the petitioner's salary payable to her for the period from 28.07.2009 to 26.10.2009 in the approved scale of pay for B.T. Assistant, considering her representations dated 12.07.2011 and 25.07.2011 and pass such further or other orders.

For Petitioner : Mr.R.Maheswaran

For Respondents 1 & 2 : Mr.P.Muthuvel
for M/s.Issaac Chambers



For Respondent No.3 : Mr.N.Shanmugaselvam,
Additional Government Pleader.

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ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents 2 and 3 to disburse the petitioner's salary payable to her for the period from 28.07.2009 to 26.10.2009 in the approved scale of pay for B.T. Assistant, based on her representations, dated 12.07.2011 and 25.07.2011.

2.The case of the petitioner is that she possessed master degree in Science (Maths) and she is fully eligible to be appointed to the post of B.T. Assistant. The 2nd respondent school is a minority educational institution run by the 1st respondent. Since one Padma Mepal, who was working as B.T. Assistant, went on maternity leave, the petitioner was appointed as B.T. Assistant in the said school and she was working as substitute B.T. Assistant (Maths) from 28.07.2009 to 26.10.2009. The petitioner's appointment was also approved by the 3rd respondent vide proceedings, dated 08.12.2010. Since the salary for the said period was not paid to her, she made representations to the 3rd respondent, which evoked no response. Therefore, the petitioner has come up with the present writ petition.

3.The learned counsel for the 3rd respondent submitted that the petitioner was appointed as substitute B.T. Assistant (Maths) in the 2nd respondent school in the place of one Padma Mepal, who went on maternity leave, and the same was approved by the 3rd respondent, by an order, dated 08.12.2010 and therefore, she is entitled for the salary.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the 3rd respondent and perused the materials available on record.

5.Perusal of records shows that the petitioner was working as substitute B.T. Assistant (Maths) in the 2nd respondent school, which is a minority educational institution, in the leave vacancy, from 28.07.2009 to 26.10.2009 and the said appointment was also approved by the 3rd respondent, vide proceedings, dated 08.12.2010. Therefore, she is entitled for salary for the said period. In view of the above, the 3rd respondent is directed to pay the salary payable to the petitioner for the period she worked as B.T. Assistant in the leave vacancy, as per the approval order, dated 08.12.2010, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of



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accordingly.No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

+1 CC to M/s.R.MAHESHWARAN, Advocate (SR-8554[F]
+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-8869[F]

ORDER MADE IN
W.P (MD) No.10135 of 2012
26.02.2020

smn

SDS (13.03.2020) 3P-4C