



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.5347 of 2020

B.Henry Prabhakar

...Petitioner

Vs

1. The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.
2. The Director of School Education,
Directorate of School Education,
College Road,
Chennai - 600 006.
3. The Principal Accountant General (Pension),
AG's Office Complex,
361, Anna Salai,
Teynampet,
Chennai - 600 018.
4. The Chief Educational Officer,
Pudukkottai District,
Pudukkottai.
5. The District Educational Officer,
Aranthangi,
Pudukkottai District.
6. The Block Educational Officer,
Aranthangi,
Pudukkottai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 5th respondent to process the petitioner's voluntary retirement application dated 22.07.2019, in the light of the proceedings of the 4th respondent in A.Thi.Mu.No.9929/E2/2020 dated 17.02.2020 and consequently to pay all retirement benefits including pension, gratuity, earned-leave and all other regular retirement benefits within a time limit as may be fixed by this Court.

For petitioner

: Mr.N.Rahamadullah

For respondents

1, 2, 4 to 6

: Mr.A.Thiyagarajan
Government Advocate

For 3rd respondent

: Mr.P.Gunasekaran



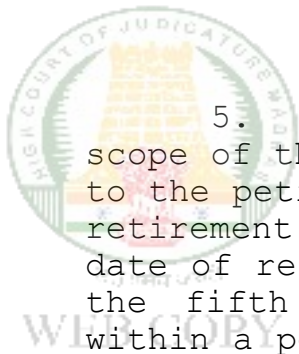
O R D E R

This Writ Petition has been filed by the petitioner to direct the 5th respondent to process the petitioner's voluntary retirement application dated 22.07.2019, in the light of the proceedings of the 4th respondent in A.Thi.Mu.No.9929/E2/2020 dated 17.02.2020 and consequently to pay all retirement benefits to the petitioner.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The learned counsel for the petitioner submitted that on 31.05.1997, the petitioner was appointed as Secondary Grade Teacher at Panchayat Union Primary School and in the year 2012, he was promoted as Headmaster of Pandigudi Panchayat Union Primary Middle School. While so, in the year 2014, due to problem in the eyesight, he availed medical leave with proper Medical Certificates. On 06.08.2015, the petitioner requested the respondents to allow him to retire on the ground of medical invalidation. Thereafter, the petitioner was referred to a Medical Board. The Medical Board gave a report to the effect that the petitioner suffered by 100% blind due to mature cataract. Thereafter, he was asked to appear before the Regional Medical Board, Thanjavur. The said Board has given a report to the effect that the petitioner suffered by mature cataract in the right eye and hyper mature in the left eye. Then, on 02.05.2016 the petitioner submitted a representation to the respondents to allow him to go on medical invalid retirement. As the same was not considered, the petitioner had filed W.P.(MD).No.17291 of 2016 before this Court. This Court, by order dated 14.09.2016, directed the District Educational Officer to consider the representation of the petitioner, dated 02.05.2016, within a period of two weeks. By order dated 02.12.2016, the District Educational Officer has rejected the claim of the petitioner stating that the Regional Medical Board has given a report to the effect that the ailment of the petitioner could be rectified by operation. Aggrieved by that order, the petitioner has filed W.P.(MD).No.1772 of 2017 before this Court. This Court, by order dated 14.03.2019, directed the respondents therein to consider the fresh representation that would be submitted by the petitioner for retirement on the ground of medical invalidation. But, that was rejected by the respondents. Thereafter, the petitioner has submitted a representation dated 22.07.2019, requesting to allow him to go on voluntary retirement. As there was no response to the same, the petitioner has come up with this writ petition.

4. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner dated 22.07.2019 has not been properly worded and therefore, the petitioner may be directed to give a fresh representation and on receipt of such representation, the claim of voluntary retirement will be considered by the fifth respondent as early as possible.



5. Considering the above and also considering the limited scope of the prayer in the Writ Petition, there shall be a direction to the petitioner to submit a fresh representation seeking voluntary retirement to the 5th respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the fifth respondent shall consider and pass appropriate order within a period of four weeks from the date of receipt of the fresh representation.

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

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn/gcg

To

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
Directorate of School Education,
College Road, Chennai - 600 006
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Pudukkottai.
4. The District Educational Officer,
Aranthangi,
Pudukkottai District.
5. The Block Educational Officer,
Aranthangi,
Pudukkottai District.

+1 CC to M/s.N.RAHAMADULLAH, Advocate (SR-11570[F] dated 13/03/2020)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-11941[F] dated 16/03/2020)

W.P. (MD) No.5347 of 2020
13.03.2020

KB(07.07.2020) 3P 8C