

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3903 of 2021
(Heard through VC)

R.Thilagarani

.. Petitioner

-vs-

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The District Educational Officer,
Ambattur, Villivakkam Block,
Thiruvallur District.

3.The Chief Educational Officer,
Thiruvallur District.

4.The Secretary,
Lamech Higher Secondary School,
Kaikkankuppam,
Chennai - 600 007.

5.The Head Master,
Lamech Higher Secondary School,
Kaikkankuppam,
Chennai - 600 007.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the 5th respondent to receive the petitioner's application dated 29.12.2020 and forward the same to the 3rd and 4th respondent and consequently direct the Respondents to pass appropriate orders in the light of orders passed by this Court in W.P.(MD).No.18120, 18126, 18139 of 2020 dated 20.12.2020.

For Petitioner : Mr.S.Balaraman

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The petitioner has come up with this writ petition seeking a direction to the fifth respondent to receive the petitioner's application dated 29.12.2020 and forward the same to the third and fourth respondents and consequently for a direction to the respondents to pass appropriate orders in the light of the orders passed by this Court in W.P.(MD).No.18120, 18126, 18139 of 2020 dated 20.12.2020.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The facts of the case is that the petitioner has completed B.Sc., B.Ed. Graduation and joined as B.T. Assistant in the fourth respondent-school. As per the procedure, whoever wants to do higher studies while in service, they have to get prior permission from the concerned department. Without knowing the said procedure, the petitioner has applied for M.Sc. Post Graduate Degree Course in Alagappa University and has obtained M.Sc. Degree from the said University in the year, 2012. Thereafter, she submitted an application dated 29.12.2020 to the third and fourth respondents through the fifth respondent for sanction of incentive increment for her Post Graduate M.Sc. Degree along with the orders of this Court in W.P.Nos.18120, 18126 and 18139 of 2020 dated 10.12.2020. The same was returned by the fifth respondent stating that the fourth respondent had refused to receive the application, as the order enclosed in the application will not applicable to the petitioner. Hence, the petitioner is before this Court.

5. At the time of hearing, it is represented by Mr.P.Raja, learned Government Advocate appearing for the respondents that the respondent Nos.3 to 5 will receive the application and a decision will be taken in accordance with law.

6. In view of the above submission, this Writ petition is disposed of with a direction to the respondent Nos.3 to 5 to receive the application of the petitioner dated 29.12.2020 and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the respondents either physically or virtually or she shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in person or submit her written submission, there is no bar for

the respondents to pass orders on the petitioner's application based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded. No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

rsi
To

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

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Chennai - 600 007.

5.The Head Master,
Lamech Higher Secondary School,
Kaikkankuppam,
Chennai - 600 007.

+1 cc to Government Pleader Sr.No. 1115
+1cc to Mr. S.Balaraman, Advocate SR.No. 11065

A.SK(23.03.2021)

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