



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.14856 of 2020
and
W.M.P No.18455 of 2020

S.Bonphilis Mary

... Petitioner

Vs.

1. The Principal Secretary to
Government of Tamil Nadu
Department of School Education,
Secretariat, Chennai.
2. The Joint Director of School Education,
(Elementary Education) Chennai.
3. The Chief Education Officer,
Udhagamandalam, The Nilgiris.
4. The District Education Officer,
Gudalur, The Nilgiris.
5. The Block Education Officer,
Gudalur, The Nilgiris.
6. The Head Master,
Panchayat Union School, Health Camp,
Gudalur, The Nilgiris.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus calling for the fourth respondent relating to the order bearing O.Mu.No:2970/B1/2019 dated 31.10.2019 and quash the same and consequently direct the Respondents 3, 4 and 5 to permit the petitioner to voluntarily retire from service with all back wages and benefits applicable along with the terminal benefits.

For Petitioner : Mr.L.Chandrakumar for
Mr.Thangavadana Balakrishnan

For Respondent : Mr. Abishek Murthy,
Nos. 1 to 5 Government Advocate.



For Respondent : No appearance
No.6

O R D E R

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The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus calling for the fourth respondent relating to the order bearing O.Mu.No:2970/B1/2019 dated 31.10.2019 and quash the same and consequently direct the Respondents 3, 4 and 5 to permit the petitioner to voluntarily retire from service with all back wages and benefits applicable along with the terminal benefits.

2. The petitioner was appointed as a Secondary Grade Teacher at Panchayat Union Elementary School at Kariampatti, Singampunari on 09.10.1986. The petitioner has completed thirty years of service as on 18.10.2016. According to her, she fell sick and was advised to undergo open heart surgery. As per the advise of the Doctor, she underwent open heart surgery on 10.07.2018 and after the surgery, she was unable to focus on her work due to her health condition. In the above circumstances, she applied for voluntary retirement on 28.08.2018. As there was no response, she sent another application dated 31.10.2018 through the sixth respondent. The sixth respondent forwarded the letter to the higher officials and it was also referred to the Police Department for getting No Objection Certificate from them. According to the petitioner, the Police Department has also issued No Objection Certificate on 19.09.2019.

3. When the matter stood thus, the voluntary retirement application of the petitioner came to be rejected on 31.10.2019 by the fourth respondent stating that the petitioner had been on leave from 01.08.2019 to 29.10.2019 and she had not joined the duty as on 31.10.2019. The petitioner had appealed against the rejection order, on 07.11.2019, to the third respondent. Thereafter, the petitioner was referred to the Medical Board on 21.01.2020. The petitioner also appeared in the Medical Board and she was further referred to another Medical Board, Coimbatore. According to her, she appeared before the Medical Board twice on 01.06.2020 and 08.06.2020.

4. According to the petitioner, due to the onset of pandemic in the country and in the State, thereafter she could not pursue her voluntary retirement application. But, without any rhyme or reason, the application has been pending for more than three years and therefore, she is before this Court.

5. Challenging the rejection order dated 31.10.2019, this present writ petition has been filed.



petitioner, the petitioner is also entitled to all other admissible benefits in terms of the Rules that govern the fact situation.

13. It is made clear that the respondents are not to cause any further delay in processing the voluntary retirement application of the petitioner, in case, the petitioner chooses to join on 20.12.2021 and shall pass appropriate orders as expeditiously as possible, not later than two weeks from 20.12.2021.

14. Accordingly, the Writ Petition stands disposed of. No costs. Connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

CS
To

1. The Principal Secretary to
Government of Tamil Nadu
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Secretariat, Chennai.
2. The Joint Director of School Education,
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Gudalur, The Nilgiris.
5. The Block Education Officer,
Gudalur, The Nilgiris.
6. The Head Master, Panchayat Union School, Health Camp,
Gudalur, The Nilgiris.

+1cc to Mr.Thangavadana Balakrishnan, Advocate, S.R.No.65765
+1cc to the Government Pleader, S.R.No.66588

W.P.No.14856 of 2020

MG(CO)
CT/16/12/2021