



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19989 of 2021

S.Suhasini

...Petitioner

Vs

1.Chief Education Officer,
Chief Educational Office,
Udhagamandalam,
Nilgiris.

2.District Education Officer,
District Education Office,
Coonoor, Nilgiris.

3.Mrs.Siluvai Lini @ Lini
daughter of late S.Papu Arokiya
Rosalin @ Rosalin

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.No.2132/A1/2021 dated 11.08.2021 and quash the same and consequently directing the respondents 1 and 2 to consider the representation of the petitioner dated 30.07.2021.

For Petitioner : Mr.G.Madhan Raj
For R1 & R2 : Mr.L.S.M.Hasan Fizal,
Government Advocate

ORDER

In this writ petition, the petitioner has challenged the impugned communication dated 11.08.2021 bearing reference No.Na.Ka.No.2132/A1/2021 to quash the same and to consequently direct the 1st and 2nd respondents to consider the representation of the petitioner dated 30.07.2021.

2. It is the case of the petitioner that the 3rd respondent, the petitioner's sister has obtained a decree from the District Munsif Court, Udhagamandalam in O.S.No.33 of 2014 without impleading the petitioner in the said proceedings. It is submitted that at best, the 3rd respondent is entitled to only a share from the terminal benefit as one of the legal heir of their mother Roseline who was passed away on 13.01.2000.



3. It is submitted that their mother Roseline was working as a Lab Assistant in a Government School, Arakuchi, Melur, Hosatty. It is submitted that the 3rd respondent suppressed the fact that the petitioner is also one of the legal heir and obtained a decree as prayed from the said Court by declaring that the 3rd respondent is only the legal heir of deceased mother Roseline and for mandatory injunction to the defendants therein to issue legal heir certificate.

4. A reading of the judgment and decree of the Trial court in O.S.No.33 of 2014 of the District Munsif, Udagamandalam. Makes it clear that a fraud was played by the 3rd respondent. Nevertheless, it is for the petitioner to take steps to set aside the judgment and decree passed on 30.03.2015 in OS.No.33 of 2014 and thereafter approach this Court for appropriate relief, if no orders are passed by the authorities.

5. Considering the same, this writ petition is dismissed with liberty to the petitioner to workout the remedy to set aside the judgment and decree dated 30.03.2015 passed by the District Munsif, Udagamandalam in OS.No.33 of 2014 in accordance with law. In case, such orders are passed, liberty is given to the petitioner to approach the respondent for the relief sought for in this writ petition.

6. This Writ petition stands dismissed with the above observations.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

drl/rgm

To

1.Chief Education Officer,
Chief Educational Office,
Udhagamandalam,
Niligiris.

2.District Education Officer,
District Education Office,
Coonoor, Nilgiris.

+1 CC to Mr.B. Govindaprabu, Advocate sr 48108.

+1 CC to The Government Pleader sr 48210

W.P.No.19989 of 2021

SS(CO)
SP(22/10/2021)