

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.19548 of 2020

Tm.Sweety

W/o.J.Michee Veda Kumar

B.T. Assistant (Tamil)

C.S.I. CMM Higher Secondary School

Udhagamandalam, Nilgiris District

..Petitioner

Vs.

1.The Director of School Education
College Road, Chennai - 6

2.The Chief Educational Officer Nilgiris
Chief Educational Office
Nilgiris District

3.The District Educational Officers
District Educational Office
Coonoor, Nilgiris District

4.The Bishop
C.S.I. Coimbatore Diocese
Coimbatore

5.The Correspondent
C.S.I. CMM Higher Secondary School
Udhagamandalam

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay salary to the petitioner from January 2020 onwards and relieve her to join in the transferred place by considering the representation made by the petitioner dated 06.07.2020 and 14.09.2020 with a time limit.

For Petitioner :	Mr.P.Ganesan
For R1 to R3 :	Mr.P.Raja
	Government Advocate
For R4 & R5 :	Mr.Bharathiraja

O R D E R

This writ petition has been filed for a Writ of Mandamus, directing the respondents to pay salary to the petitioner from January 2020 onwards and relieve her to join in the transferred place by considering her representation dated 06.07.2020 and 14.09.2020, with a time limit, as specified by this court.

2. The case of the petitioner is that she joined as a Secondary Grade Assistant in C.S.I. Primary School, Kallatty, The Nilgiris. While she was working as such in the respondent school, appointment proposal was sent by the management of the school seeking approval of appointment. The petitioner's appointment was also approved by the educational authority as a secondary grade assistant. Since she worked sincerely, she was considered for promotion as B.T. Assistant (Tamil). The said promotion was duly approved by the educational authority and from that date onwards, she was paid salary applicable to the post. Later on, the petitioner has come to understand that she has been transferred to C.S.I. High School Nonsuch estate, leaving a junior to me in her school, working as Mathematics teacher in the 5th respondent management school. In fact, she was neither served with the transfer order nor relieved from the school.

3. According to the petitioner, under Tamil Nadu Recognised Private School (Regulation) Act and the rules framed thereunder, the educational authority in the month of August every year have to conduct inspection to petitioner school, for fixation of staff. Staff fixation for the academic year 2018-2019 was done and report was also given by the third respondent stating there is no surplus in the cadre of Tamil BT Post. Staff fixation for the academic year 2019-2020 is not yet done. Therefore, according to the petitioner, there is no justification to deny her salary. In that regard, she had sent representations dated 06.07.2020 and 14.09.2020 seeking her salary from January 2020 onwards and the same were not taken into consideration by the respondents. Hence this writ petition.

4. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

5. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the third respondent to consider the representations of the petitioner dated 06.07.2020 and 14.09.2020, by giving an opportunity of hearing to her, and pass appropriate orders on merit, within a period of 60 days from the date of receipt of a copy of this order.

6. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of her representations dated 06.07.2020 and 14.09.2020 and this order, to the third respondent forthwith. The third respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authority concerned fail to send communication to the petitioner, he/she will have to face the civil imprisonment in case of contempt proceedings and, if he/she is unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the petitioner, at a later point of time, will not take a plea that he is not aware of the order.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Asr

To

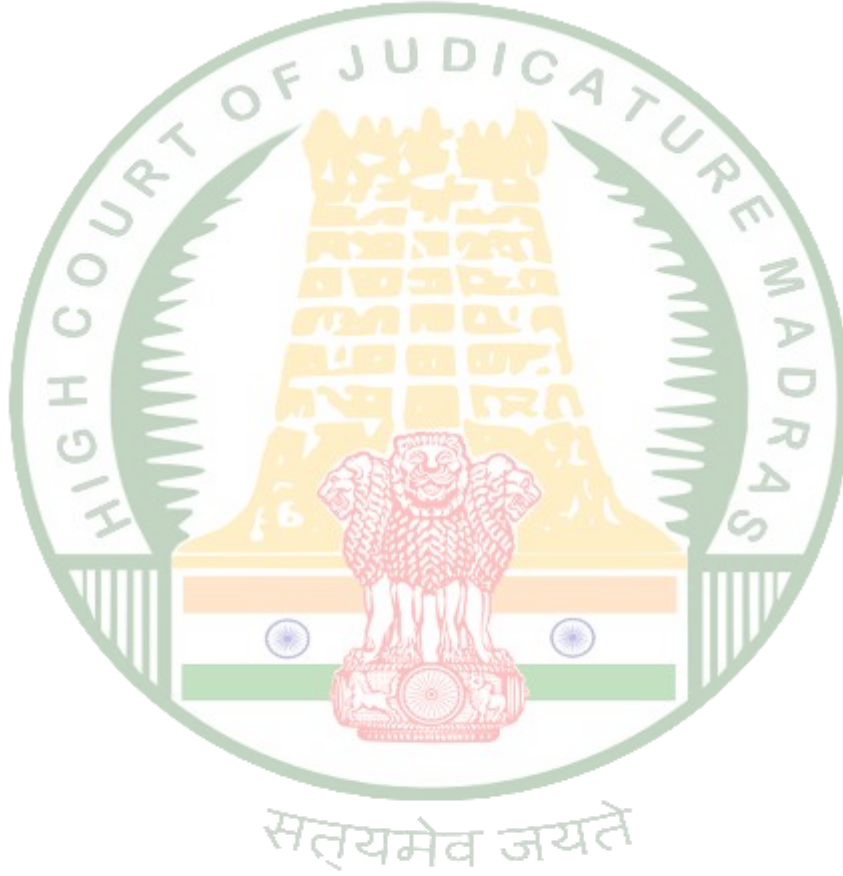
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Udhagamandalam

+1cc to M/s.S.Bharathirajan, Advocate, S.R.No.7812
+1cc to the Government Pleader, S.R.No.7848

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PL (CO)
KKV/17/03/2021



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