



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD) No.12137 of 2011

WEB COPY

1.S.Rachel Mary(died)

2.Joselin

3.J.Esthar

4.J.Inbaraj

... Petitioners

(Petitioners 2 to 4 are substituted

vide Court order dated 12.03.2020

in WMP(MD)NO.4565 of 2020)

Vs.

1.The Joint Director,
School Education(Personnel),
Chennai-600 006.

2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first Respondent in Na.Ka.No.54136/A3 Section/E1/2011, dated 20-09-2011 and quash the same as illegal and consequentially to direct the Respondents 1 & 3 to grant the Petitioner's arrears of salary for the period from October 2007 to 01-09-2010 treating the said period as spent on duty and grant other benefits within the period that may be stipulated by this Court.

For Petitioners : Mr.Mohamed Imran
for M/s Ajmal Associates

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

* * * * *

ORDER

The Writ Petition is filed seeking for issuance of a writ of Certiorarified Mandamus to call for the records relating to the

<https://hcservices.ecourts.gov.in/hcservices/>



impugned order passed by the first Respondent in Na.Ka.No.54136/A3 Section/e1/2011, dated 20-09-2011 and quash the same as illegal and consequentially to direct the Respondents 1 & 3 to grant the Petitioner's arrears of salary for the period from October 2007 to 01-09-2010 treating the said period as spent on duty and grant other benefits within the period that may be stipulated by this Court.

2. The case of the petitioners is that the first petitioner (deceased) was denied from retirement benefits, for which, she filed a writ petition before this Court in W.P.(MD)No.6333 of 2011 and this Court, vide order dated 17.06.2011, issued a direction to the respondents therein to consider the representation of the first petitioner. In compliance to the said order, the said representation was rejected on the ground that the disciplinary proceedings against the first petitioner are not concluded and the leave period from October 2007 to 01.09.2010 was not regularized and challenging the same, the present Writ Petition is filed.

3. Learned Additional Government Pleader appearing for the respondents would submit that pending the writ petition, the disciplinary proceedings are concluded and the retirement benefits were also given to the legal heirs of the first petitioner viz., the petitioners 2 to 4.

4. The said fact was also not disputed by the learned Counsel appearing for the petitioners.

5. In view of the above subsequent developments, nothing survives for further adjudication in this matter. Hence, the Writ Petition stands dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Joint Director,
School Education(Personnel),
Chennai-600 006.

2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

+1 CC to SPL GP (SR-6143[F] dated 19/02/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6112
[F] dated 19/02/2021)

W.P (MD) No.12137 of 2011
18.02.2021

VB (01.03.2021) 3P 6C