



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8513 of 2021

K.Vijayalakshmi

... Petitioner

vs.

1.The Director of Elementary Education,
Office of Director of Elementary Education,
Chennai - 600 006.

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Theni.

3.The District Educational Officer,
Office of the District Educational Office,
Periyakulam,
Theni District.

4.The Block Development Officer,
Office of Block Educational Office,
Periyakulam,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein, more particularly, the first respondent herein to pass an order on the proposal sent by the second respondent to the first respondent in Na.Ka.No.255/E4/2019, dated 17.10.2020 granting payment of salary for 66 days from 20.04.2020 to 24.06.2020 as could be granted to the other Teachers of the petitioner School during National Lock Down declared through out India.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the first respondent to pass orders on the proposal sent by the second respondent to the first respondent in Na.Ka.No.255/E4/2019, dated 17.10.2020, granting payment of salary for 66 days from 20.04.2020 to 24.06.2020 as could be granted to the other Teachers of the petitioner School during National Lock Down declared throughout India.



2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the respondents.

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

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4.According to the petitioner, she is working as Secondary Grade Teacher in Sankaranarayanan Memorial Middle School, Vadugapatty, Periyakulam Taluk, Theni District, which is a Government aided School. While she was working in the said School, she applied for leave on private affairs from 12.02.2020 to 19.04.2020 to the first respondent for giving No Objection for her travel to USA to look after her daughter's delivery. The first respondent, by proceedings, dated 10.02.2020, considered the request of the petitioner and issued No Objection for leave on private affairs from 12.02.2020 to 19.04.2020 for her daughter's delivery. Her daughter delivered a baby on 23.03.2020 and the petitioner booked ticket for her travel from America to India on 16.04.2020. Due to sudden spread of Covid-19 in America, all Flights were cancelled and the petitioner's ticket to travel to India on 16.04.2020 was also cancelled. Immediately, the petitioner sent a E-mail letter, dated 15.04.2020 to the first respondent stating that in view of the cancellation of the Flight, her ticket was cancelled and she was held up in America due to the widespread of Covid-19 pandemic all over the World and requested to grant exemption for joining duty from 20.04.2020 till the re-opening of the School in the wake of National Lock Down, declared by the Government of India as well as State of Tamil Nadu.

5.Subsequently, the petitioner came to India through Rescue Flight sent by the Government of India and reached Bengaluru on 17.06.2020 and after obtaining E-pass from the District Collector, Theni, she reached her native place on 18.06.2020. As per the directions issued by the Executive Officer, Periyakulam, Theni, she kept under quarantine for a period of 7 days from 18.06.2020 to 24.06.2020. Further, the petitioner submitted her application for joining duty before the Headmaster of Sankaranarayanan Memorial Middle School, Vadugapatty, on 25.06.2020 and she was also allowed to join duty. By that time, the tenure of the Secretary of her School had elapsed, her application seeking salary for 66 days for the period from 20.04.2020 to 24.06.2020 could not be sent immediately and the same was forwarded only after due election of Secretary and approval of the School Committee, by the new Secretary of her School on 03.09.2020. The petitioner also sent representation through proper channel to the first respondent on 10.09.2020, requesting to exempt the period of 66 days from 20.04.2020 to 24.06.2020, when she held up in U.S.A and kept under quarantine respectively, due to cancellation of Flights and air ticket during Lock Down both in America as well as in India and for payment of salary as could be granted to the other Teachers during the Lock



Down period. The second respondent also sent a proposal to the first respondent in Na.Ka.No.255/E4/2019, dated 17.10.2020, for exemption from joining duty during the National Lock Down imposed throughout the Country. The first respondent has not passed any order. Hence, the petitioner has come out with the present Writ Petition.

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6.The learned counsel appearing for the petitioner contended that only due to Covid-19 pandemic situation and cancellation of Flights, the petitioner could not join duty on 20.04.2020. Even if the petitioner reached India on 19.04.2020, she could have joined duty on 20.04.2020. In view of the National Lock Down, she could not join duty on 20.04.2020 and prayed for allowing the Writ Petition.

7.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents submitted that as per the proposal submitted by the Secretary, Sankaranarayanan Memorial Middle School, Vadugapatty, the second respondent considered the proposal and stated that out of 66 days, 22 days have to be treated as leave on private affairs and the remaining 44 days have to be treated as earned leave and sent the same to the first respondent and the same is under consideration and the first respondent will consider the same and pass orders.

8.Considering the above submissions made on either side, the first respondent is directed to consider the proposal sent by the second respondent, dated 17.10.2020 and also the representation of the petitioner, dated 10.09.2020, for payment of salary and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Director of Elementary Education,
Office of Director of Elementary Education,
Chennai - 600 006.

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



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Office of the District Educational Office,
Periyakulam,
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4.The Block Development Officer,
Office of Block Educational Office,
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+1 CC to M/s.K.APPADURAI, Advocate (SR-17625[F] dated 27/04/2021)

+1 CC to M/s.SPL GP (SR-17767[F] dated 27/04/2021)

W.P (MD) No.8513 of 2021
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ARK(CO)
KB(12.05.2021) 4P 7C