



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.4687 of 2015

R.Umavathi

... Petitioner

Vs.

1.The Joint Director of School Education(Secretary),
O/o The Director of School Education,
Chennai-600 006.

2.The Chief Educational Officer,
Thoothukudi District.

3.The District Educational Officer,
District Educational Office,
Kovilpatti-628 501.

4.The Secretary,
St.Mary's High School,
Therku Konarkottai,
Chettikurichi Post,
Thoothukudi District.

... Respondents

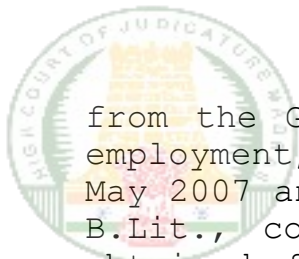
Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the first respondent to expeditiously dispose of the appeal preferred by the petitioner vide her appeal dated 01.04.2014 within a time frame fixed by this Court.

For Petitioner	:	Mr.T.Lajapathi Roy
For Respondents	:	Mr.C.M.Marichelliah Prabhu
		Additional Government Pleader
		for R.1 to R.3
	:	Mr.M.Saravanan
		for R.4

ORDER

This Writ Petition is filed seeking for issuance of a writ of Mandamus directing the first respondent to expeditiously dispose of the appeal preferred by the petitioner vide her appeal dated 01.04.2014 within a time frame fixed by this Court.

2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Teacher in the year 1998 by the erstwhile Management of St.Mary's High School / fourth respondent and the fourth respondent school is a private school receiving aid



from the Government of Tamil Nadu and while the petitioner was in employment, she pursued and completed her B.Lit., (Tamil) degree in May 2007 and at the relevant time, when the petitioner underwent her B.Lit., course, she was unaware that prior permission had to be obtained from the office of the third respondent for undergoing higher education during the course of employment. The petitioner completed B.Lit., course through distance education at Annamalai University. But for the subsequent courses which petitioner underwent viz., M.A., and B.Ed., the petitioner had obtained proper prior permission from the third respondent and subsequently, she was promoted to the post of B.T. Assistant(Tamil) on 25.07.2012. However, without notice, that promotion was cancelled on 09.10.2012, by the fourth respondent. Aggrieved by the said order of cancellation, the petitioner filed an appeal before the first respondent on 01.04.2014. However, till date, no order was passed in the said appeal. Hence, the petitioner has approached this Court by filing this writ petition.

3. Learned Counsel appearing for the petitioner would submit that it would suffice if a direction is given to the first respondent to consider the petitioner's appeal dated 01.04.2014, within a time limit as fixed by this Court.

4. Learned Counsel appearing for the fourth respondent would submit that the cancellation order was passed on 09.10.2012 and after a lapse of two years, the present appeal was filed, however, no acknowledgement was annexed in the appeal petition and therefore, the learned Counsel would strenuously oppose for granting the relief as sought for by the petitioner.

5. Considering the facts and circumstances of the case, without going into the merits of the petitioner's case, the first respondent is directed to consider appeal filed by the petitioner on 01.04.2014, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Further, the petitioner is directed to send a copy of the appeal petition along with a copy of this order to the first respondent, within a period of two weeks from the date of receipt of a copy of this order, to enable him to pass appropriate orders.

6. The Writ Petition stands disposed of with the above directions. No costs.

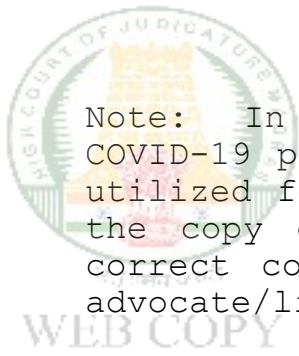
Sd/-

Assistant Registrar (W)

// 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 Joint Director of School Education(Secretary),
O/o The Director of School Education,
Chennai-600 006.
- 2.The Chief Educational Officer,
Thoothukudi District.
- 3.The District Educational Officer,
District Educational Office,
Kovilpatti-628 501.

W.P (MD) No.4687 of 2015
09.03.2021

KB(16.06.2021) 3P 4C