



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.21536 of 2017

S.Allirani

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Tuticorin @ Pudukottai,
Tuticorin District.

2.The Additional Assistant Elementary,
Educational Officer,
Alwarthirunagari @ Thenthirupperai
Tuticorin District.

3.The Secretary,
Grama Middle School
Vellakovil, Suganthalai Post,
Alwarthirunagari Union,
Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent school to submit proposal to the second respondent herein for sanction of monetary benefits viz., Part-Final amount from petitioner's provident fund, Earned Leave for 30 days and annual increment w.e.f., 01.10.2017 by considering the petitioner's final representation dated 09.10.2017.

For Petitioner : Mr.A.Ajith Geethan
For R1 & R2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R3 : Mr.K.Prabhu
for M/s.Isaac Chamber

O R D E R

This writ petition is filed by the petitioner for a direction to direct the third respondent school to submit proposal to the second respondent for sanction of to monetary benefits viz., Part-Final amount from petitioner's provident fund, Earned Leave for 30 days and annual increment w.e.f., 01.10.2017 by considering the petitioner's final representation dated 09.10.2017.

2.The case of the petitioner is that initially he was appointed as a Secondary Grade Teacher, in the year 1991, in the



institution. While so, the petitioner has approached the third respondent school for getting monetary benefits, by making endorsement in her Service Register Book and the same was submitted before the second respondent for consideration. Though the service register book is available with the third respondent school, the school had not made any endorsement. Hence, the petitioner had sent several representations to the third respondent school and the school has not taken any steps on the petitioner's request. Hence, the petitioner has filed a writ petition in W.P(MD)No.18775 of 2016 before this Court questioning the promotion order of the present Headmaster and seeking promotion to the post of Headmaster by way of seniority. Since the petitioner has filed the writ petition against the third respondent school, the school wilfully denied him getting the monetary benefits. In order to avail such benefit, the petitioner has made a representation, dated 09.10.2017 to the respondents. Since no order has been passed, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that this Court may issue a direction to the third respondent to consider the petitioner's representation, dated 09.10.2017, within the reasonable time as fixed by this Court.

4.The learned counsel appearing for the third respondents has no serious objection for considering the petitioner's representation and also the school is willing to forward the proposal to the first respondent for appropriate orders.

5. In view of the limited relief sought for, this Court, without going into the merits of the issue, directs the petitioner to file necessary form before the third respondent within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the third respondent is directed to forward the same to the first respondent for appropriate orders within a period of four weeks thereafter and the first respondent, on receipt of the same from the third respondent, is directed to consider the same and pass orders on merits and in accordance with law within a period of eight weeks thereafter.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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To

1.The District Elementary Educational Officer,
Tuticorin @ Pudukottai,
Tuticorin District.

2.The Additional Assistant Elementary,
Educational Officer,
Alwarthirunagari @ Thenthirupperai
Tuticorin District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-12096[F] dated 18/03/2021)

+1 CC to M/s.SPL GP (SR-12123[F] dated 18/03/2021)

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