



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.22946 of 2017

and

M.P. (MD) .No.19272 of 2017

WEB COPY

B.Jeyoni Leena Suji

... Petitioner

Vs.

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

2.The District Elementary School Education Officer,
Nagercoil and Post, Kanyakumari District 629 001.

3.The Assistant Elementary School Educational Officer,
Rajakamangalam, Thammathu Konam,
Nagercoil, Kanyakumari District.

4.The Correspondent,
St. Andrew's Primary School,
Manakudy Thurai,
Melamanakudi Post,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 to 4 to pay the petitioners salary for her service as Secondary Grade Teacher at the 4th respondent school for the period from 07.02.2005 to 14.07.2009, within a time limit fixed by this Court.

For Petitioner : Mr.C.Dhanaseelan

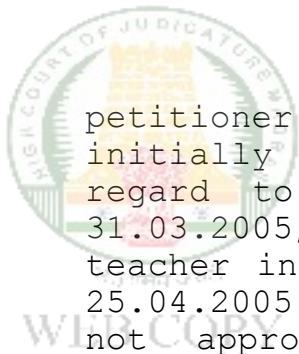
For R1 to R3 : Mr.M.Muthugeethayan
Special Government Pleader

For R4 : Mr.T.Lajapathi Roy

O R D E R

This writ petition has been filed for issuance of a writ of Mandamus directing the respondents 2 to 4 to pay the petitioner's salary for her service as Secondary Grade Teacher in the 4th respondent School for the period from 07.02.2005 to 14.07.2009.

2. The case of the petitioner is that she was appointed as a Secondary Grade Teacher in the fourth respondent School. Though the



petitioner was appointed in the year 2005, the third respondent initially returned the proposal sent by the fourth respondent with regard to the approval of appointment of the petitioner, on 31.03.2005, seeking clarification as to whether there is any surplus teacher in the said School. Again, the proposal was resubmitted on 25.04.2005 and 06.09.2005. But, till 2009, the petitioner's post was not approved. Thereafter, the petitioner got appointment as Secondary Grade Teacher in a Government School and the fourth respondent also relieved the petitioner from service on 14.07.2009. However, for the service rendered by the petitioner in the fourth respondent School, full salary was not paid, on par with other regular Government Teachers. Hence, the petitioner has made a representation to the fourth respondent as well as the educational agency and till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the petitioner was appointed as Secondary Grade Teacher in the fourth respondent School. However, her post was not approved by the educational agency and in the absence of any approval, the petitioner is not entitled to the salary and it is for the petitioner to work out the remedy with the fourth respondent School.

4. The learned counsel appearing for the fourth respondent would submit that the fourth respondent has sent a proposal for approval of appointment of the petitioner to the third respondent, on 26.08.2008 and the same is pending with the educational agency.

5. In view of the above, this Court is inclined to issue a direction to the third respondent to consider the petitioner's representation, dated 20.09.2017 and the proposal forwarded by the fourth respondent, dated 26.08.2008 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv



To

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

2.The District Elementary School Education Officer,
Nagercoil and Post,
Kanyakumari District 629 001.

3.The Assistant Elementary School Educational Officer,
Rajakamangalam, Thammathu Konam,
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Kanyakumari District.

+1 CC to M/s.C.DHANASEELAN, Advocate (SR-12730[F] dated
22/03/2021)

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19.03.2021

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SSS(CO)
TR(08.04.2021) 3P 5C