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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.5354 OF 2020

C.Mary Lydia

... Petitioner

Vs.

1. The Director of School Education,
DPI Compound,
Nungambakkam,
Chennai - 34.

2. Chief Educational Officer,
DPI Compound,
Nungambakkam,
Chennai - 34.

3. The Correspondent,
C.S.I. St.Matthias' Anglo-Indian
Higher Secondary School,
Veppery,
Chennai - 600 007.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 10.12.2019, 14.02.2020 which has been given to pay the subsistence allowance to the petitioner from 17.10.2018, failing which to revoke the order of suspension and consequently, direct the 3rd respondent to permit the petitioner to continue her job as librarian in 3rd respondent school.

For Petitioner : Mr.S.Arokia Mani Raj

For RR1 & 2 : Mr.V.Manoharan
Additional Government Pleader

For R3 : Mr.B.Christ Das



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

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2. The case of the petitioner in brief:

While the petitioner's husband was working as Librarian in the 3rd respondent school, he died on 09.09.2017 and after his death, the petitioner was appointed as Librarian on compassionate ground in the 3rd respondent school. Thereafter, the petitioner was forced to work as a sweeper and due to illness, she could not attend the school on 11.10.2018 and requested them to grant leave. But, the 3rd respondent school did not consider her request and issued an order of suspension on 17.10.2018. Even after one year of suspension, no enquiry was conducted and on 30.01.2019, she made an explanation to the respondents to revoke the impugned suspension order and permit her to work as a Librarian. The petitioner was placed under suspension without paying any subsistence allowance. Hence she filed W.P No.27636 of 2019, challenging the impugned suspension order and this Court, passed an order directing the 3rd respondent to consider the petitioner's explanation dated 30.01.2019 within a period of 12 weeks. But, the 3rd respondent has not considered the petitioner's explanation. Therefore, the petitioner sent a representation on 10.12.2019 and also reminder on 12.02.2020 to the 3rd respondent, requesting to comply the order of this Court. But, so far, no reply was received by the petitioner. Hence, she filed this writ petition before this Court.

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that no relief has been prayed for as against the official respondents 1 and 2. If any such proposal is received by the Educational Authority, the same shall be considered in accordance with law.

4. According to the 3rd respondent School Management, they are ready and willing to absorb the petitioner in the 3rd respondent School Management.

5. Recording the aforesaid statement of the 3rd respondent School Management, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

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Sub Assistant Registrar



To

1. The Director of School Education,
DPI Compound,
Nungambakkam,
Chennai - 34.
2. Chief Educational Officer,
DPI Compound,
Nungambakkam,
Chennai - 34.
3. The Correspondent,
C.S.I. St. Matthias' Anglo-Indian
Higher Secondary School,
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+1cc to the Government Pleader, S.R.No.24116

W.P.No.5354 of 2020

PL (CO)
PM/27/04/2022