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W.P.No.6718 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6718 of 2019

P.Karthik

...Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Office,
Nagapattinam,
Nagapattinam District.

2.The Additional District Educational Officer (S.S.A)
Office of the Chief Educational Office,
Nagapattinam,
Nagapattinam District.

3.The District Educational Officer,
Office of the District Educational Office,
Mayiladuthurai,
Nagapattinam District.

4.The Headmaster,
Government Higher Secondary School,
Edamanal-Kollidam Panchayat,
Nagapattinam District.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1, 2 and 3 to consider the petitioner's representation dated 19.06.2018 and consequently direct the 4th respondent to permit the petitioner to continue his duty as Drawing Master in the 4th respondent School.

For Petitioner : Mr.A.S.Baalaji

For R1 to R4 : Mrs.S.Mythreyechandru
Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents 1, 2 and 3 to consider the petitioner's representation dated 19.06.2018 and consequently direct the 4th respondent to permit the petitioner to continue his duty as Drawing Master in the 4th respondent School.

2. The petitioner was appointed as Part-time Drawing Instructor in the 4th respondent School on temporary basis. He was receiving a consolidated pay salary. The petitioner remained unauthorizedly absent with reference to the criminal proceedings initiated against him in Crime No.218/2016 dated 09.06.2016. The case was registered under Section 363 I.P.C.



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3. The allegation against the writ petitioner was that he had kidnapped one Thatchayini, daughter of the defacto complainant. Thereafter, the petitioner made a submission before the authorities competent that the Criminal Case against him was compromised. Thereafter, the 1st respondent passed an order in proceedings dated 02.09.2016, allowing the petitioner to join service.

4. The learned Special Government Pleader appearing on behalf of the respondents made a submission that even after the order of the first respondent, the petitioner had not joined duty and remained unauthorizedly absent. Even he had not received two months salary, which was deposited in the School Account. Since the petitioner had not reported for duty for about 6 years, his representation was also not considered by the competent authorities.

5. Presuming that the 4th respondent/Headmaster did not allowed the writ petitioner to join duty, the writ petitioner had submitted a representation only in the year 2018, after a lapse of 2 years from the date of order passed



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by the 1st respondent in proceedings dated 02.09.2016, permitting the writ petitioner to join duty.

6. Thus, the petitioner had not pursued the order passed by the 1st respondent vigilantly during the relevant point of time. The petitioner, except by sending a representation, has not reported for duty before the competent authority. Contrarily, he filed a writ petition in the year 2019 for a direction to consider the representation.

7. The petitioner was appointed as part-time Drawing Instructor on temporary basis and was receiving consolidated pay salary. When the petitioner remained unauthorizedly absent for more than 6 years and he is involved in a Criminal Case with an allegation of kidnapping, which was subsequently closed, this Court is of the considered opinion that the direction as such sought for deserves no merit consideration. However, the authorities also have not passed any further orders in respect of the unauthorized absence of the writ petitioner and they are bound to initiate appropriate action in the manner known to law.



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WEB COPY 8. With these observations, the writ petition stands disposed of. No costs.

02.12.2022

Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.

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