



WEB COPY

W.P.No. 7807 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 7807 of 2019

Amirtha Gowri

... Petitioner

Vs.

1. The Director of Matriculation Schools,
Tamil Nadu,
The Directorate of Education,
College Road, Egmore,
Chennai – 600 006.
2. The District Educational Officer,
Villupuram Educational District,
Villupuram – 605 602.
3. The Secretary/Correspondent,
Aditya's Vivekananda Matric Higher Secondary School,
Sri Devanathaswamy Nagar,
Villupuram – 605 602.
4. Mr. Anandhan B.E.,
Correspondent,
Aditya's Vivekananda Matric Higher Secondary School,
Sri Devanathaswamy Nagar,
Villupuram – 605 602.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to reinstate the petitioner in the post of Principal at Aditya's Vivekananda Matric Higher Secondary School, Sri Devanathaswamy Nagar, Villupuram – 605 202, from July 2017, with all attendant and consequential benefits and pay the arrears of salary from June 2017.



For Petitioner
For Respondents

: M/S. Arulmozhi
: Mrs. S. Mythreye Chandru
Special Government Pleader
for R1 and R2
Mr. M. S. Govinda Rajan
for R4
No appearance – R3

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to reinstate the petitioner in the post of Principal at Aditya's Vivekananda Matric Higher Secondary School, Sri Devanathaswamy Nagar, Villupuram – 605 202, from July 2017, with all attendant and consequential benefits and pay the arrears of salary from June 2017.

2. The grievance of the writ petitioner is that she was orally terminated from service. However, the learned counsel for the respondent disputed the said contention by stating that the petitioner was unauthorizedly absent from reporting duty and there is no order of termination issued to the petitioner as such. However, the learned counsel for the fourth respondent school raised that the writ petition itself is not entertainable, since the fourth respondent is a private school. In support of the said contention, he relied on the judgment of the Hon'ble Supreme Court



in the case of the *St. Marys Education Society vs Rajendra Prasad*

Bhargava 2022 SCC Online SC 1091

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3. However, the learned counsel for the fourth respondent, on instructions, made a submission that in the event of petitioner appearing before the management, they will be in a position to accommodate her in their school at Pondicherry where there is a vacancy. Thus, the petitioner is at liberty to approach the management and in the event of any such approach, the fourth respondent shall accommodate her in any one of the available post at Pondicherry, without causing any undue delay.

4. In view of the above submissions, the writ petition stands disposed of. It is made clear that the petitioner shall not make any claim for backwages since no work no pay principles would apply. No costs.

09.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



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S.M.SUBRAMANIAM, J.

mrn

To

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