



WEB COPY



W.P.No.30420 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.30420 of 2022
and WMP No.29850 of 2022

J.Mary Rosalin

... Petitioner

Versus

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Chief Educational Officer,
Chengalpattu District,
Chengalpattu.
4. The District Elementary Educational Officer,
Chengalpattu District,
Chengalpattu

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents to reinstate the petitioner into service as Secondary Grade Teacher in the vacancy in Kattankulathur Union, Chengalpattu District, in consideration of representation submitted by the petitioner dated 18.03.2019 as well as the



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proposal forwarded by the 4th respondent to the 2nd respondent in Na.Ka.No.538/A2/2021 dated 15.03.2021 within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents :Mr.S.Yashwanth
AGP

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to reinstate the petitioner into service as Secondary Grade Teacher in the vacancy in Kattankulathur Union, Chengalpattu District, based on the petitioner's representation dated 18.03.2019 within a time frame to be fixed by this Court.

2. The petitioner was working as Secondary Grade Teacher till the year 2004. According to the petitioner, she had married a Nigerian National on 28.12.1995 and she proceeded to Nigeria. According to the petitioner, she submitted a leave application to the respondents seeking for leave from 02.08.2010 upto 08.09.2010 to take care of her sick husband. However, the health condition of her husband deteriorated and subsequently he suffered paralysis and required constant medical attention. According to the petitioner, due to the said reason, she was forced to stay back with her husband at Nigeria and was unable to return to India and rejoin duty. The petitioner returned to



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India only on 19.02.2019 and she has given a representation on 18.03.2019

giving reasons for her long absence from duty from 2010 onwards. She has requested in her representation to allow her to join service immediately. According to the petitioner, based on the representation submitted by the petitioner, the third respondent has forwarded the petitioner's representation to the second respondent for consideration. The fourth respondent, thereafter, issued Charge Memo dated 02.02.2021 to the petitioner on the ground of her unauthorised absence for a long period. The petitioner has submitted a representation to the fourth respondent on 01.04.2021 to the Charge Memo dated 02.02.2021. In her representation, she has given reasons for her long absence from duty.

3. Heard Mr.S.Nedunchezhiyan, learned counsel appearing for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. Learned counsel for the petitioner would now submit, on instructions, that the petitioner will be satisfied if her representation dated 01.04.2021 to the Charge Memo dated 02.02.2021 is considered on merits and



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in accordance with law and orders are passed within a time frame to be fixed by this Court.

5. No prejudice would be caused to the respondents if such a direction is issued by this Court.

6. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 01.04.2021 to the Charge Memo dated 02.02.2021 within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2022

SR
Index: Yes/No
Speaking Order/Non-Speaking Order
To

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George, Chennai-600 009.

2. The Director of Elementary Education,

<https://www.mhc.tn.gov.in/judis>



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DPI Campus, College Road,
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3. The Chief Educational Officer,
Chengalpattu District,
Chengalpattu.
4. The District Elementary Educational Officer,
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ABDUL QUDDHOSE, J.

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