



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.5609 of 2021

and

W.M.P. (MD)Nos.4447, 4448 and 4451 of 2021

WEB COPY

1. M.Mary Prema (died)

2. T.Johnson

... Petitioner

(2nd petitioner, the husband of
(late) M.Mary Prema, is substituted,
by order dated 01.02.2022 in
W.M.P. (MD)No.901 of 2022)

versus

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The State Council Education Research
and Training (SCERT),
Rep. by its Director,
College Road,
Chennai - 600 006.
4. The Joint Director (Administration)
The State Council Education Research
and Training (SCERT),
College Road, Chennai - 600 006.
5. The Chief Educational Officer,
Kanyakumari District, Nagercoil
Kanyakumari District - 629 001.
6. The Principal,
The District Institute of Education
and Training (DIET),
Theroor at Kulasekarampudhur
Kanyakumari District.



7. The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

8. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

9. The Council of the ICM Educational
Institution,
Rep. by its President,
No.6, Madurai Main Road,
Crawford - 620 012. Tiruchirapalli.

10. The Correspondent,
Infant Jesus Teacher Training Institute
Mulagumoodu - 629 167
Kanyakumari District.

11. The Correspondent
Sacred Heart Girls Higher Secondary School,
Srivilliputhur,
Virudhunagar.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned Government Letter (1D) No.36, School Education Department dated 04.02.2019, passed by the 1st respondent, the impugned order of the 3rd respondent in Na.Ka.No.2409/E1/2020 dated 14.10.2020, the consequential order of the 6th respondent in Na.Ka.No.194/Aa/2020 dated 28.11.2020 and the impugned order of transfer passed by the 9th respondent dated 03.03.2021 proposing to transfer the petitioner to the lower cadre post of BT Assistant at 11th respondent School, quash the same and consequently, direct the respondents 1 to 6 to absorb the petitioner in any one of the available vacant post of equal cadre viz., Lecturer in the 6th respondent DIET or as PG Assistant in Government Higher Secondary Schools or as High School Headmaster in Government High School at Kanyakumari District as per Section 26 of the Tamil Nadu Recognized Private School (Regulations) Act, 1973, with all consequential and other benefits.

For Petitioner	:	Mr.T.Arul
For R1 to R8	:	Mr.S.Saji Bino Special Government Pleader
For R10 and R11	:	Mr.Ragatheeshkumar for M/s.Isaac Chambers

**ORDER**

The petitioner was initially appointed as Secondary Grade Teacher in the 10th respondent Institution in the year 1990 in the approved vacancy and subsequently, she was absorbed as BT Assistant in Maths against the sanctioned vacancy in the 10th respondent Institute with effect from 23.12.1994 and thereafter, promoted as Principal with effect from 05.12.2013. The petitioner's appointment to the said position was duly approved by the 6th respondent. Since the student strength got reduced, by proceedings dated 03.03.2021, the petitioner was transferred to a lower cadre post of B.T.Assistant (Maths) in the 11th respondent School. Challenging the same, the present writ petition has been filed.

2. Pending the writ petition, the writ petitioner died due to Covid-19 on 18.05.2021. Therefore, the husband of the writ petitioner filed a petition in W.M.P.(MD)No.901 of 2022 to substitute his name in the place of his wife's name for the purpose of getting retirement benefits. Today, the substitute petition is allowed.

3. The learned counsel for the petitioner submits that though the writ petitioner, namely, M.Mary Prema (since deceased), served in the 11th respondent School for two months, she had not received salary for two months. He further submits that the husband of the writ petitioner is ready to give up two months' salary, in order to avoid any further delay in disbursement of retirement benefit of the deceased M.Mary Prema. He also requests for early decision to be taken by the sixth respondent on the eligibility of retirement benefits due to the petitioner's family.

4. The said submission of the learned counsel for the petitioner is recorded and the writ petition is disposed of with a direction to the sixth respondent to take a decision on the retirement benefits due to the petitioner's family, within a period of six weeks from the date of receipt of a copy of this order. The petitioner shall furnish the legal heir certificate and all other certificates as required by the sixth respondent for the purpose of distributing the retirement benefits. No costs. Consequently, connected miscellaneous petitions are closed.

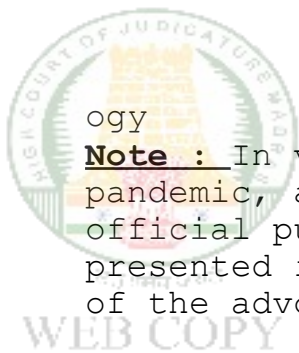
Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary,
Department of School Education,
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2. The Director of School Education,
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8. The District Educational Officer,
Srivilliputhur, Virudhunagar District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-3627[F] dated 02/02/2022)

+1 CC to M/s.SPL.GP (SR-3673[F] dated 02/02/2022)

W.P(MD)No.5609 of 2021
01.02.2022

SE (CO)

TR(28.03.2022) 4P 11C