



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.9255 of 2020

and

W.M.P. (MD)No.8439 of 2020

WEB COPY

Muralidharan

: Petitioner

Vs.

1.The District Educational Officer,
Thanjavur District, Thanjavur.

2.The Secretary,
Gandhi Middle School,
Arcot, Ammanpettai, Thanjavur District. : Respondents

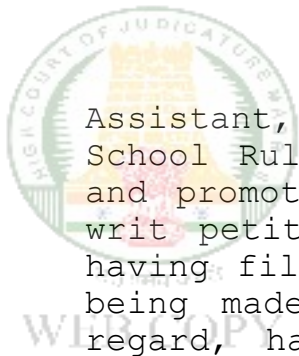
PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus directing the second respondent to permit the petitioner to attend duty as Secondary Grade Teacher in the second respondent school and disburse the petitioner's salary with arrears.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.P.T.Thiraviam,
Government Advocate for R.1
Mr.V.S.Kumaraguru for R.2

ORDER

The petitioner before this Court is working as a Secondary Grade Teacher in the second respondent School, which is a non-minority aided School. He has availed medical leave for a period of 11 days from 02.03.2020 to 12.03.2020. The said request was rejected by the second respondent vide letter dated 02.03.2020. Once again, the petitioner requested for reconsidering the same, for which, the second respondent vide letter dated 07.03.2020 informed the petitioner to appear before the Medical Board of Thanjavur Medical College. When the petitioner appeared before the Medical Board, he was informed that the Medical Board will be constituted only on every Friday and since the petitioner's medical leave itself got expired by 12.03.2020 (Thursday), he could not be assessed. Therefore, the petitioner approached the second respondent on 13.03.2020 with a medical fitness certificate for rejoining the duty. But the second respondent vide letter dated 14.03.2020 has once again forwarded the petitioner's application to the Medical Board of Thanjavur Medical College.

2. According to the petitioner, he was due to be promoted as BT
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Assistant, as per Rule 15(4)(ii) of Tamil Nadu Recognized Private School Rules, 1974. But, the second respondent has overlooked him and promoted one Kandavelu. Aggrieved, the petitioner has filed a writ petition before this Court in W.P.(MD)No.10673 of 2008. For having filed a writ petition as against the management, he is now being made to run from pillar to post. The petitioner, in this regard, has made several representations and since there is no proper response, he has filed this writ petition.

3.When the matter is taken up for hearing today, learned Counsel for the petitioner submits that it would suffice if the representation of the petitioner dated 04.04.2020 is directed to be disposed of, within a stipulated time limit.

4.Considering the facts and circumstances of the case and the limited scope of the relief now sought for, this Court, without expressing anything on the merits of the case, directs the second respondent to consider the representation of the petitioner dated 04.04.2020 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stand closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

To

The District Educational Officer,
Thanjavur District, Thanjavur.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-950[F] dated 10/01/2022)

+1 CC to M/s.SPL.GP (SR-996[F] dated 10/01/2022)

W.P. (MD)No.9255 of 2020
07/01/2022

GK(CO)

KB(21.02.2022) 2P 4C

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