



W.P.(MD)No.124 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.124 of 2015

A.Amalorpavam

... Petitioner

Vs.

1. The Joint Director of School Education,
(Higher Secondary),
College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
Tallakulam,
Madurai – 625 002.
3. The District Educational Officer,
Tallakulam,
Madurai – 625 002.
4. The Correspondent,
Sirumalar Girls Higher Secondary School,
Nagamalai,
Madurai – 625 019.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the fourth respondent passed in the discharge letter dated 28.11.2011 and first respondent proceedings passed in O.Mu. No.38525/W5/W2/2014 dated 07.11.2014 and quash the same as unjust, unfair, illegal and unconstitutional and consequently direct the first respondent to issue suitable orders to the fourth respondent to reinstate the petition in the school with full back wages and attendant benefits from the date of termination till the date of reinstatement.

(Prayer amended vide Court Order dated 06.09.2022 in W.M.P. (MD)No.21238/2018 in WP(MD).124/2015)

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R3 : Mrs.D.Farjana Ghoushia
Additional Government Pleader

For R4 : Mr.P.Muthuvel
for M/S.Isaac Chamber



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ORDER

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When the case was listed on 06.09.2022, this Court has directed the parties to explore the possibility of settlement between the parties. Today i.e. 14.11.2022, when the case was listed, the Learned Counsel submitted that the parties have entered into compromise and the Joint Compromise Memo is signed between the parties and the same is extracted hereunder:

JOINT COMPROMISE MEMO

This Settlement agreement entered into on this the 19th day of October 2022

Between

A. Amalagam , Dr. RathaKrishnan Street, L.G.Nagar , Madurai - 625019 as the parties of the 1st part.

And

The Correspondant, Sr.A.Josephine, D/o.Alphonse , aged about 68 years, residing at Sirumalar Girls Higher Secondary school,Nagamalai, Madurai-625019 as the parties of the 2nd part.

WHEREAS

1. Disputes and differences had arisen between the parties here to W.P (MD) No.124 of 2015 was filed on 05.01.2015 before the Hon'ble Madurai bench of madras high Court.



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2. The matter was referred to Mediation / conciliation vide an order an order sated 06.09.2022 passed by Hon'ble Mrs .justice . S.Srimathi.

3. The parties agreed that Mr . P. Thirunavukkarasan would act as their Mediator / Conciliator .

4. Several Meetings were held During the Process of mediation / Conciliation from 21.09.2022 to 19.10.2022 and the parties have with the assistance of the mediator / Conciliator voluntarily arrived disputes and differences.

5. The parties here to confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/ Conciliator

6. The following settlement has been arrived at between the parties hero to:

i. The petitioner and the 4 th respondent are signing this Memo of compromise with free will and without any coercion and compulsion from others.

ii. Given the compromise , both parties are agreed that the petitioner was appointed as P.G Teacher in commerce in the 4 th Respondent school as a probationary for one year from 02.06.2008 and it was extended another one year.

iii. Later the Petitioner was intimated about her her discharge at the end of the year well in advance vide letter dated 29.04.2010 and the petitioner has been paid the salary for the entire period of the service.

iv. where as approval of the educational authorities as well as the annual increments,the petitioner having been appointed temporarily to do the very same job which Sr.Medona V. Rayee was doing the management even though would have paid consolidated salary taking the nature of the job the petitioner was paid a regular salary and as such the payment of increments and approval granted by the competent authority. It will not be a basis for claiming absolute right over the post by petitioner especially since her terms of appointment and letter issued by her is clear that the appointment is only temporary basis without any ambiguity.

v. The petitioner agreed that she has no legal and enforceable



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right to remain in employment beyond the period of her employment.

vi. Given the compromise the 4th respondent is handed over the following original documents of the petitioner, in the presence of the respective counsels to the petitioner.

Sl.no	Date	Documents	Others
01	24.06.1978	Secondary School - Leaving Certificate	10 th School Records
02	April 1978	10 th Mark Sheet	
03	April 1980	12 th Mark Sheet	
04	04.10.1989	Community Certificate	
05	10 th June 1993	Transfer Certificate	Annamalai University
06	10 th June 1993	Course & Conduct Certificate	Annamalai University
07	11.1984	B.Com Certificate	Madurai Kamaraj University
08	18.12.1997	B.Ed Certificate -DDE	
09	Dec 1998	M.Com Certificate DDE	Annamalai University
10	10.12.2008	Genuineness Certificate – B.Com	Madurai Kamaraj University



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<i>11</i>	<i>23rd Sept 2009</i>	<i>Genuineness Certificate – M.Com</i>	<i>Annamalai University</i>
<i>12</i>	<i>23rd Sep 2009</i>	<i>Authentication Certificate – B.Ed</i>	<i>Annamalai University</i>
<i>13</i>	<i>03.02.2010</i>	<i>Service Register</i>	

vii. Both parties acknowledge the receipt of the same and also agree that there shall not be any future monetary claim or any other claim between them.

viii. Given the compromise, towards a full and final settlement of all issues between the parties the 4th Respondent has agreed to pay a total sum of Rs.5,00,000/- (Rupees Five Lakhs Only) by way of Cheque No.01085726 dated 11.10.2022 in favour of the petitioner namely A.Amalorpavam.

7. By signing this Agreement the parties here to state that they have no further claims or demands against each other with respect to W.P. (MD) .No.124 of 2015 and differences in this regard have been amicably settled by the parties here to through the process of Conciliation /Mediation.

DATE:19.10.2022

Parties' Signature

*Petitioner / 1st Party
4th Respondent / 2nd Party*

Counsels' Signature

Counsels' for Petitioner

Counsel for 4th Respondent

2. The petitioner received a compensation of Rs.5,00,000/-



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(Rupees Five Lakh only) and received all the original documents namely mark sheets etc. The Joint Memo is forming part of this order.

3. Recording the said joint memo, this Writ Petition is closed. No costs.

14.11.2022

Index : Yes / No
Internet : Yes / No
jbr

To

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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.124 of 2015

14.11.2022