



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24799 of 2022

K.Amsaveni

... Petitioner

Vs.

1. The Chief Educational Officer,
Karur District, Karur.
2. The District Educational Officer,
Kulithalai, Karur District.
3. The Block Educational Officer,
Krishnarayapuram, Karur District.
4. The Headmaster,
Panchayat Union Primary School,
Nathamedu,
Krishnarayapuram Panchayat Union,
Karur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner to join duty as Head Mistress at the Panchayat Union Primary School, Nathamedu, Krishnarayapuram Panchayat Union, Karur District and to regularize her period of absence from 17.08.2020 as leave on loss of pay without insisting to produce No Objection Certificate (NOC) from the Police Department and also grant her all other service, monetary and other benefits which she entitled to, within the time frame.



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For Petitioner : Mr.S.Balamurugan

For Respondents: Mr.S.Shaji Bino,
Special Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The writ petitioner is working as Headmistress in Panchayat Union Primary School, Nathamedu, Krishnarayapuram Panchayat Union, Karur District. Her son-in-law committed suicide. That led to registration of Crime No.51 of 2020 on 12.03.2020. Since the petitioner apprehended arrest, she was on the run. She later obtained anticipatory bail before this Court. Thereafter when the writ petitioner went to rejoin duty, she was not allowed to do so. It appears that the authorities insisted that the petitioner must obtain No Objection Certificate from the Police Department. In the meanwhile, Covid-19 struck the nation and two years passed by. The petitioner had been submitting



representations. Since they were not considered, the present writ petition came to be filed.

3. After hearing the learned counsel appearing for the writ petitioner and the learned Special Government Pleader, I am more than satisfied that the petitioner has to be granted relief. The writ petitioner admittedly has not been suspended from service. Therefore, she cannot be prevented from reporting for duty. Of course the learned Special Government Pleader submitted that the petitioner had not reported for duty.

4. I consciously decline to enter into this controversy or give any finding. This is because the learned counsel appearing for the writ petitioner on instructions states that for the period for which the petitioner had not worked, she will not claim any salary and she will be satisfied if the said period is counted for other purposes. I am more than satisfied that the petitioner had not committed any offence in connection with her official duties; she had not been arrested. As already noted, she had not been suspended from service till date.



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5. This writ petition stands allowed in the following terms:-

a) The petitioner is permitted to rejoin duty with effect from 10.11.2022.

b) The petitioner shall not be paid any salary for the period in which she had not rendered service (ie.) from 17.08.2020 till 10.11.2022 or which ever date on which she rejoins duty. The period of absence will be treated as leave on loss of pay and then it will be counted for all other purposes.

No costs.

03.11.2022

Index : Yes / No

Internet : Yes/ No

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To:

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G.R.SWAMINATHAN,J.

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