



W.P.No.24708 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24708 of 2010

and

M.P.No.1 of 2010

D.Uma Mageshwari

... Petitioner

Vs.

1. The Commissioner,
Directorate of Differently Abled Welfare Department,
Thousand Lights,
Chennai -5.
2. The District Differently Abled Welfare Officer,
Namakkal District Collectorate,
Namakkal.
3. The District Collector,
Namakkal District,
Namakkal.
4. The Correspondent,
Nehru Memorial Sampooraniammal,
Differently Abled Higher Secondary School,
Kumarapalayam,
Namakkal District.

... Respondents



W.P.No.24708 of 2010

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ or order by directing the respondents 1 to 4 to permit the petitioner to work as Secondary Grade Teacher under the 4th respondent school without causing any obstruction or hindrance and pay her salary and all allowances from March 2008 until date along with interest and continue to pay the same.

For Petitioner : Mr.R.Marudhachalamurthy

For R1 to R3 : Mr.L.S.M.Hasan Fizal, AGP

For R4 : Mr.D.Rajagopal

ORDER

The Writ Petition has been filed by the petitioner seeking direction to direct the respondents 1 to 4 to permit the petitioner to work as Secondary Grade Teacher under the fourth respondent/School without causing any obstruction or hindrance and pay her salary and all allowances from March 2008 until date, along with interest and continue to pay the same.



W.P.No.24708 of 2010

WEB COPY

2. The petitioner was appointed as Secondary Grade Teacher in the fourth respondent/School on 21.05.1993. The fourth respondent/School is exclusively meant for physically disabled students. Her appointment was subsequently approved and she has also successfully completed her probation period with effect from 01.06.1995. While that being so, on the basis of the complaint filed by one of the student, she was served with a show cause notice by the Management of the fourth respondent/School. However, she was not served with any charge memo and no punishment was imposed on her. Further, she was not paid any salary and allowances from March 2008 onwards and she was also not allowed to work in the school.

3. On a perusal of the counter affidavit filed by the fourth respondent/School, it reveals that from 01.03.2008 onwards she was absent for the school and she had applied medical leave for 20 days, that too during the exam period. Since she absented from her service unauthorisedly, she was directed to appear before the Medical Board.



W.P.No.24708 of 2010

WEB COPY

However, the petitioner failed to appear before the Medical Board and she never reported for duty. Hence, the prayer sought for by the petitioner in this writ petition cannot be considered.

4. However, the petitioner is at liberty to make a representation before the fourth respondent/School to rejoin in her duty. On receipt of her request, the fourth respondent/School is directed to consider her representation and pass appropriate orders in accordance with law and on merits.

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

22.08.2023

mfa

Index: Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order



W.P.No.24708 of 2010

WEB COPY

To

1. The Commissioner,
Directorate of Differently Abled Welfare Department,
Thousand Lights,
Chennai -5.
2. The District Differently Abled Welfare Officer,
Namakkal District Collectorate,
Namakkal.
3. The District Collector,
Namakkal District,
Namakkal.
4. The Correspondent,
Nehru Memorial Sampooraniammal,
Differently Abled Higher Secondary School,
Kumarapalayam,
Namakkal District.



WEB COPY



W.P.No.24708 of 2010

G.K.ILANTHIRAIYAN,J.,

mfa

W.P.No.24708 of 2010
and
M.P.No.1 of 2010

22.08.2023