



W.P. No. 8338 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 8338 of 2023

L.Rose Bency Clara

... Petitioner

-VS-

1. The Director,
The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600006.
2. The Joint Director (Aided School),
The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600006.
3. The Chief Educational Officer,
The Chief Educational Officer's Office,
Thiruvarur.
4. The District Elementary Educational Officer,
District Elementary Educational Office,
District Teacher Training Institution Campus,
Mannargudi, Thiruvarur District.
5. The Block Educational Officers,
Block Education Officer's Office,
Panchayat Union Elementary Education Campus,
Needamagalam,
Thiruvarur District.
6. The Correspondent/Secretary,
St.Mary's Primary School,
Melalavandhacheri,
Needamagalam Taluk,
Tiruvarur District.

... Respondents



W.P. No. 8338 of 2023

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Fourth Respondent to conduct enquiry on the Petitioner's representation dated 05.05.2022 with regard to her complaint of forceful and involuntary resignation obtained by the Sixth Respondent's school on 15.09.2020, from the post of Head Mistress, in sheer violation of Rule 17-A of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974 and consequently reinstate her in the said post along with other incidental and consequential benefits, within a time frame as may be fixed by this Court.

For Petitioner : Mr. R.Veeramani
For Respondents : Mrs. R.Anitha,
Special Government Pleader
(for R1 to R5)

O R D E R

Heard Mr. R.Veeramani, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader takes notice for the First to Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the matter, which would not cause any prejudice to the Sixth Respondent, notice to him is dispensed with.



W.P. No. 8338 of 2023

3. The grievance ventilated by the Petitioner in the Writ Petition is that she had made a representation dated 05.05.2022 to the First to Fifth Respondents complaining that her resignation was forcibly obtained by the school of the Sixth Respondent in violation of Rule 17-A of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974, and to consequently reinstate her in the said post along with other incidental and consequential benefits, but as it did not evoke any response, she has filed this Writ Petition.

4. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioners, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 05.05.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal



W.P. No. 8338 of 2023

hearing to the Petitioner and all other persons concerned to explain their

WEB COPY position in that regard;

- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

4. In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

17.03.2023

kv

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 02.06.2023.



W.P. No. 8338 of 2023

To

WEB COPY

1. The Director,
The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600006.
2. The Joint Director (Aided School),
The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600006.
3. The Chief Educational Officer,
The Chief Educational Officer's Office,
Thiruvavur.
4. The District Elementary Educational Officer,
District Elementary Educational Office,
District Teacher Training Institution Campus,
Mannargudi, Thiruvavur District.
5. The Block Educational Officers,
Block Education Officer's Office,
Panchayat Union Elementary Education Campus,
Needamagalam,
Thiruvavur District.
6. The Correspondent/Secretary,
St.Mary's Primary School,
Melalavandhacheri,
Needamagalam Taluk,
Tiruvavur District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



WEB COPY



W.P. No. 8338 of 2023

P.D. AUDIKESAVALU, J.

kv

W.P. No. 8338 of 2023

17.03.2023