



W.P.No.12973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12973 of 2023

and

W.M.P.No. 12753 of 2023

1. C. Suresh Kumar

2. S. Rajkumar

3. S. Arunkumar

...Petitioners

Vs

1. The State of Tamilnadu

Represented by its Secretary

Department of School Education.

Fort St. George, Chennai – 600 009.

2. The commissioner of School Education,

College Road, Chennai – 600 006.

3. The Director of Elementary Education,

College Road, Chennai – 600 006.

4. The Chief Educational Officer

Ariyalur Districtat Ariyaloor

5. The District Educational Officer (Elementary)

Ariyalur, Ariyaloor District

6. The Block Educational Officer

Thirumanoor, Ariyalur District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fourth and fifth respondents to disburse death benefits of Tmt. K. Samuthiravalli, Headmistress, Panchayat Union Primary School, Elunachiuram, Thirumanoor Union, Ariyalur District to the petitioners and sanction family pension to the first petitioner and pass orders.

For Petitioner : Mr.D.Vivekanadan
For Respondent : Mr.B. Vijay
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition seeking a direction to the fourth and fifth respondents to disburse death benefits of Tmt. K. Samuthiravalli, Headmistress, Panchayat Union Primary School, Elunachiuram, Thirumanoor Union, Ariyalur District to the petitioners and sanction family pension to the first petitioner

3. The case of the petitioners is that the first petitioner is the



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husband of K. Samuthiravalli who served as a Headmistress in Panchayat Union Primary School, Elunachiuram, Thirumanoor Union, Ariyalur District and passed away on 05.05.2021. Thereafter, the death benefits of the deceased was not settled to her family due to the reason that she obtained divorce from the first petitioner. Hence the petitioner gave a representation to the respondents to consider their case and pass favourable orders. However the same was not considered. Hence this petition.

4. The learned counsel for the petitioner submitted that the petitioner obtained divorce, but it an De-parte Decree of divorce and even after obtaining divorce the first petitioner and the deceased lived as husband and wife for the welfare of the second and third petitioners who are the sons of the deceased.

5. The learned Additional Government Pleader appearing for the respondents submits that the representation of the petitioner will be considered on merits and in accordance with law.



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6. Considering the facts of the case, this Court without expressing any merits of the case directs the respondents to consider the representation of the petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this Order. This writ petition is disposed of in the above terms. No costs. Consequently the connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order
smn

To

1. The Department of School Education.
Fort St. George, Chennai – 600 009.
2. The commissioner of School Education,
College Road, Chennai – 600 006.
3. The Director of Elementary Education,
College Road, Chennai – 600 006.
4. The Chief Educational Officer
Ariyalur Districtat Ariyaloor.
5. The District Educational Officer (Elementary)
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V.BHAVANI SUBBAROYAN,J.

smn

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