



W.P.(MD)No.4181 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4181 of 2023

Mrs.M.Beula Bell Sheeba

... Petitioner

Vs.

1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

2.The District Educational Officer,
Thuckalay District Education,
Thuckalay.

3.The Correspondent,
L.M.S. Higher Secondary School,
Kadamalaikundu,
Kanyakumari District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to grant the petitioner's service benefits from 02.06.2005 to 24.06.2008 by considering the petitioner's representation, dated 23.04.2021, within a time as may be fixed by this Court.



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For Petitioner	: Mr.Aayiram K.Selvakumar
For R-1 & R-2	: Mr.S.Saji Bino, Special Government Pleader
For R-3	: Mr.S.C.Herold Singh

ORDER

This writ petition has been filed for a direction to the first respondent to grant the petitioner the service benefits from 02.06.2005 to 24.06.2008, by considering the petitioner's representation, dated 23.04.2021, within a stipulated period.

2. The case of the petitioner is that the petitioner was appointed as Junior Grade B.T., Assistant on 02.06.2005 in the place of Mrs.Flora Hepsi Bai in the second respondent school. Since the said Flora Hepsi Bai, moved a petition before this Court stating that the said post was litigated one, this Court was pleased to direct the said Flora Hepsi Bai, to join in the said place where the petitioner was appointed to receive salary. Hence, the petitioner was reappointed as an Acting B.T., Assistant in the leave vacancy of one Mrs.Leeli B.Christal Joy from 03.08.2006. Subsequently, the said Leeli B.Christal Joy was rejoined in



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her post after expiry of her leave period. Subsequently, she was transferred to LMS Girls Higher Secondary School, Marthandam, as a Junior Grade B.T., Assistant from 15.09.2006. Subsequently, the petitioner was promoted as P.G., Assistant. Subsequently, all of a sudden, the second respondent has passed an order, dated 20.06.2007, terminating the petitioner without any enquiry or prior notice. Challenging the same, the petitioner has filed a writ petition in W.P.(MD)No.5548 of 2007. While the matter stood thus, the third respondent urged the petitioner to withdraw the writ petition and gave promise to reinstate the petitioner into service. Hence, the said writ petition was withdrawn by the petitioner. Subsequently, the petitioner was reinstated into service in the same place on 25.06.2008 and received salary only from 25.06.2008. However, the grievance of the petitioner is that she is entitled to receive service benefits from 02.06.2005 to 24.06.2008. Hence, the petitioner has made a representation to the first respondent on 23.04.2021. The said representation was not considered so far. Hence, the petitioner has filed this writ petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to dispose of the representation of the petitioner, dated 23.04.2021, on merits and in accordance with law, within a specified period.

4. The learned Special Government Pleader appearing for the respondents 1 and 2, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation, dated 23.04.2021 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of.

No costs.

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PM
NCC:Yes/No
Index:Yes/No

To

- 1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 2.The District Educational Officer,
Thuckalay District Education,
Thuckalay.



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M.DHANDAPANI,J.

pm

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