



W.P.(MD)No.8447 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8447 of 2018

and

W.M.P(MD)Nos.7981, 7982 and 12319 of 2018

Mrs.R.Umavathi

... Petitioner

Vs.

- 1.The Director of School Education,
D.P.I. Campus,
College Road,
Nungambaaakkam,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Chief Educational Office,
Thoothukudi District.
- 3.The District Educational Officer,
District Educational Office,
Kovilpatti,
Thoothukudi District.
- 4.The Secretary,
St. Mary's High School,
Therku Konarkottai,
Chettikurichi Post,
Thoothukudi District.



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5. Mr. P. Krishnasamy,
Secretary,
St. Mary's High School,
Therku Konar Kottai,
Chettikurichi Post,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus to call for the records pertaining to the impugned order in Ref.Na.Ka.No.164/2017 dated 13.12.2017 on the file of the fourth respondent and quash the same as illegal and consequently direct the fourth respondent to permit the petitioner to re-join duty as Secondary Grade Teacher with the fourth respondent school with all consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr. J. Aswin Raja Simman

For Respondents : Mr. N. Ramesh Arumugam,
Government Advocate

ORDER

This Writ Petition has been filed to quash the impugned order passed by the fourth respondent in Ref.Na.Ka.No.164/2017, dated 13.12.2017, as illegal and consequently, direct the fourth respondent to permit the petitioner to re-join duty as Secondary Grade Teacher with the fourth respondent school with all consequential benefits within the time period stipulated by this Court.



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2. The case of the petitioner is that she is working in the fourth respondent school there was a dispute between the petitioner and the school management with regard to availing of Medical Leave. According to the petitioner, even after producing Medical Certificate, the school management insisted the petitioner to treat the non-employment period as eligible leave and not permitted the petitioner to join duty and passed the impugned order. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. However, when the matter was taken up for hearing today, the learned counsel appearing for the petitioner would submit that subsequent to the filing of this writ petition, the petitioner rejoined duty and she is working in the fourth respondent school and hence, nothing survives in this writ petition. However, liberty may be granted to the petitioner to make an application for Voluntary Retirement before the fourth respondent school management and the same may be directed to be considered.



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4. In view of the said submission, this Writ Petition is dismissed as infructuous. However, liberty is granted to the petitioner to make appropriate application for Voluntary Retirement before the school management and if any application is filed, the fourth respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law. No Costs. Consequently, connected Miscellaneous Petitions are closed.

16.02.2023

PM

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To:

- 1.The Director of School Education,
D.P.I. Campus, College Road, Nungambaaakkam,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Chief Educational Office, Thoothukudi District.
- 3.The District Educational Officer,
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M.DHANDAPANI, J.

pm

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