



W.P.(MD)Nos.8334 & 12629 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.04.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).Nos.8334 and 12629 of 2016

and

W.M.P(MD).Nos.9546, 9547 & 6746 of 2016

W.P.(MD).No.8334 of 2016

R.Jamuna Petchiyammal
BT.Assistant in Social Science,
Kasthurba Gandhi Baliga Vidyalaya Residential School,
Aanaikulam, Narikkudi Union,
Virudhunagar District.

... Petitioner

Vs.

- 1.The Principal Secretary/
The State Project Director,
Sarva Shiksha Abiyan(SSA),
Chennai-600 006.
- 2.The Additional Chief Educational Officer (SSA),
Virudhunagar-626 001,
Virudhunagar District.
- 3.The Secretary,
Virutcham Magalir Munnetra Kazangiam (VMMK),
No.7/13, Shanmugampillai Street,
West Car Road, Near Lysander Hospital,



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Virudhunagar District.

4.The Enquiry Officer,
C/o.Virutcham Magalir Munnetra Kazhangiam (VMMK)
No.7/13, Shanmugampillai Street,
West Car Road,
Near Lysander Hospital,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Order Ref.KGVB/2015/003 dated 09.04.2016 on the file of the third respondent and quash the same as illegal and consequently for a direction directing the third respondent to disburse the subsistence allowance for the period of the petitioner's suspension.

For Petitioner : Mr.G.Karthik for
S.Rajasekar

For Respondents : Mr.V.Om.Prakash
Government Advocate for R1 and R2

: Mr.A.Rahul for R3 and R4



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... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Order of dismissal Ref.KGVV/2015/003 dated 11.05.2016 on the file of the third respondent and quash the same as illegal and consequently for a direction directing the respondents to reinstate the petitioner in the post of Graduate Teacher with all consequential benefits.

For Petitioner : Mr.G.Karthik for
S.Rajasekar

For Respondents : Mr.V.Om.Prakash
Government Advocate for R1 and R2

: Mr.A.Rahul for R3 and R4

COMMON ORDER

Writ Petition in W.P.(MD).No.12629 of 2016 is filed against the impugned order of dismissal dated 11.05.2016. Based on the instructions given by the petitioner, the learned counsel for the petitioner has circulated a letter dated 20.04.2023, seeking permission of this Court to withdraw this writ petition.



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2. Considering the submission made by the learned counsel for the petitioner, **W.P.(MD).No.12629 of 2016 is dismissed as withdrawn.** No costs. Consequently, connected miscellaneous petitions are closed.

3. Writ petition in W.P.(MD).No.8334 of 2016 is filed challenging the impugned order dated 09.04.2016 on the file of the third respondent and consequently to direct the third respondent to disburse the subsistence allowance for the suspension period.

4. The learned counsel appearing for the respondents submitted that they are ready and willing to pay a sum of Rs.50,000/- as subsistence to the petitioner and the same is also accepted by the petitioner. Since the petitioner is not having TET qualification, the petitioner cannot be reinstated in the service and therefore the amount of Rs.50,000/- shall be treated as full and final settlement.

5. On hearing rival submissions, this Court is of the considered opinion that the petitioner is not having TET qualification. Moreover the petitioner had sought



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permission of this Court to withdraw the writ petition filed in W.P.(MD).No. 12629 of 2016, wherein she had challenged the order of dismissal from service. In such circumstances, the amount of Rs.50,000/- shall be treated as full and final settlement.

6. The writ petition in W.P.(MD).No.8334 of 2016 is disposed of in above terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

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