



W.P.(MD).No.28394 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28394 of 2023

L.Neplin Florida

... Petitioner

Vs.

1. The Chief Educational Officer,
C.V. Government High School Campus,
V.E.Road, Thoothukudi – 628 003.

2. The Head Master,
Government High School,
Padarnthapuli,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take necessary action for treating the period on 15.11.2019 i.e., the date on which the petitioner attended Medical Board for physical verification as duty period and to make necessary entries in the Service Register, within a specified time frame that may be fixed by this Court.



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For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.N.GA. Natraj
Government Advocate

ORDER

The present writ petition has been filed by a B.T.Assistant Teacher seeking a mandamus as against the respondents herein to treat 15.11.2019 as duty period.

2. By proceedings dated 11.11.2019, the second respondent has directed the writ petitioner to appear before the Medical Board on 15.11.2019.

3. In compliance with the order of the second respondent, the petitioner has appeared before the Medical Board on 15.11.2019. The Board has recommended for grant of medical leave between 21.10.2019 and 25.10.2019. This recommendation of the Board has also been accepted by the authorities and it has been treated as medical leave. However, the grievance of the writ petitioner is that the date on which she had appeared before the Medical Board, namely, 15.11.2019 has been treated as absent by



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the second respondent herein. Hence, for regularizing the absence on the said date, the present writ petition has been filed.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. Considering the above said facts, that only under the instructions of the second respondent, the petitioner had appeared before the Medical Board at Tuticorin on 15.11.2019, the absence of the writ petitioner on 15.11.2019 cannot be treated as absent.

6. In view of the above said facts, the respondents herein are directed to treat the date, viz., 15.11.2019 as duty period and confer other attendant benefits, if any, to the petitioner.



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7. With the above said observations, this Writ petition stands allowed to the extent as stated above. There shall be no order as to costs.

01.12.2023

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

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