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W.P.No. 6586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.6586 of 2024
and
W.M.P.Nos.7314 & 7317 of 2024**

Dr.G.Geetha

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Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Chief Secretary to Government,
Public (Special-A) Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort St.George, Secretariat,
Chennai – 600 009.

3. The Director of Collegiate Education,
Institute of Advanced Study in Education Campus,
Saidapet, Chennai – 600 015.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order in Letter No.efile 247/F1/2024-1 dated 14.02.2024 passed by the second respondent and quash the same is totally illegal, improper, unreasonable, arbitrary and principles of natural justice and thereby direct the respondents 2 and 3 to permit the petitioner to stay



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away from the Headquarters (Thiruvavur).

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.B.Gopalakrishnan

For Respondents : Mr.R.Neelagandan
Additional Advocate General
Assisted by Mr.K.Surendran
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 14.02.2024, thereby rejected the request made by the petitioner to stay in Chennai on medical ground.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was originally appointed as Lecturer in Tamil Nadu Collegiate Education in the year 1989. Subsequently, she was promoted to the post of Principal Grade-II and further, she promoted to the post of Principal Grade-I. In view of the order passed by this Court, she was also given additional charge to the post of Director of Collegiate Education. While being so, the Government passed an order in G.O.Rt.No.335, Public (Special -A) Department, dated 27.01.2024 and accordingly, the temporary post of Director of Collegiate Education in the senior scale has been created in which the third respondent has been



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transferred to the post of Director of Collegiate Education. Therefore, the petitioner was relieved from the said post and directed to continue as Principal of Thiru-Vi-Ka Government Arts College, Tiruvarur. Subsequently, she was placed under suspension by an order dated 31.01.2024. As per the suspension order, she should stay in Headquarters i.e., Tiruvarur.

4. In fact, the petitioner also challenged the order of suspension before this Court in W.P.No.4293 of 2024 and the same was dismissed. Subsequently, the petitioner submitted a representation seeking permission to stay in Chennai on the ground that she is suffering from Rheumatic Arthritis disease. Therefore, she suffered with severe knee pain and other related issues. It was rejected by the second respondent on the ground that the request of the petitioner has not been considered with any medical certificate or any history of medical records in support of her claim.

5. The learned Senior Counsel appearing for the petitioner submitted that as all medical records in order to prove her case is very much available. On the other hand, the learned Additional Advocate General submitted already the petitioner approached this Court challenging the order of suspension and the same was also dismissed by



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this Court. In fact, the respondents were trying to serve the charge memo to the petitioner. However, the petitioner is not in Headquarters, i.e., her last employment - Tiruvarur. Therefore, the charge memo was affixed in the door of the petitioner's residence.

6. Considering the facts and circumstances of the case, the petitioner is directed to submit a fresh representation along with the relevant medical records. On receipt of the same, the second respondent is directed to consider and pass orders on merits and in accordance with law, forthwith.

7. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

15.03.2024

Index: Yes/No
Speaking Order: Yes
Lpp

Note : Issue order copy on 18.03.2024



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To
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1. The Chief Secretary to Government,
Public (Special-A) Department,
Fort St.George, Secretariat,
Chennai – 600 009.
2. The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Secretariat,
Chennai – 600 009.
3. The Director of Collegiate Education,
Institute of Advanced Study in Education Campus,
Saidapet, Chennai – 600 015.

G.K.ILANTHIRAIYAN, J.



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