



WEB COPY



W.P.No.9880 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.9880 of 2020
and
W.M.P.No.12008 of 2020

G.Gnanaskandhan

... Petitioner

Vs.

1. The Chief Educational Officer,
Nagapattinam,
Nagapattinam District.

2. The District Educational Officer,
Mayiladuthurai,
Nagapattinam District.

3. The Secretary,
K.S.O. High School,
Manganallur,
Mayiladuthurai Taluk,
Nagapattinam District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent herein to permit and allow the petitioner to join duty as Secondary Grade Teacher in the 3rd respondent School with all consequential monetary and service benefits including continuity of service.



W.P.No.9880 of 2019

For Petitioner : Mr. N. Senthil
For Respondents : Mr.S. Prabakaran
Government Advocate
for R1 and R2
Mr.R. Kannan
for R3

ORDER

This writ petition has been filed for direction, directing the third respondent to permit the petitioner to join duty as Secondary Grade Teacher in the third respondent School.

2. The petitioner was originally appointed as Secondary Grade Teacher at Vannikudi on 22.10.1990. Thereafter, on his request, he was transferred to the third respondent School on 22.08.1991 as Secondary Grade Teacher . While being so, there was pay anomaly between the petitioner and his junior. In order to rectify the pay anomaly, the petitioner submitted representation to the Chief Minister Cell on 01.07.2019. Therefore, the third respondent had threatened over the petitioner and on compulsion, received resignation from the petitioner on 18.07.2019 as if the petitioner wanted to go under voluntarily retirement. Thereafter, the



petitioner was deemed to be under retirement from service as on 17.10.2019.

WEB COPY

3. Since during the notice period of 90 days, the petitioner did not take any steps to withdraw the consent under voluntarily retirement scheme. Thereafter, the third respondent had sent a proposal for approval of the petitioner's retirement on voluntarily retirement scheme before the second respondent. In the meanwhile, the petitioner also lodged complaint and both were enquired by the second respondent and rejected the proposal submitted by the third respondent. Aggrieved by the same, the third respondent preferred an appeal before the Joint Director of School Education, Chennai and it is pending. In the meanwhile, on the complaint lodged by the parents of some of the students with regard to sexual harassment committed by the petitioner, F.I.R. was also registered and charge sheet has been submitted. The same was also taken on file for Trial and the petitioner has appeared before the Trial Court and it is pending.

4. In view of the above, the representation submitted by the petitioner to permit him to join duty cannot be considered since the appeal filed by the



W.P.No.9880 of 2---

third respondent is pending on the file of the Joint Director of School Education, Chennai. Further the petitioner is also facing criminal case before the Trial Court.

5. In view of the above, the representation submitted by the petitioner cannot be considered. Accordingly, this writ petition is dismissed. There shall be no orders as to costs. Consequently, the connected writ miscellaneous petition is closed. However, if the petitioner succeeds in the criminal case as well as in the appeal before the Joint Director of School Education, Chennai, the petitioner is entitled for reinstatement into the service as Secondary Grade Teacher.

01.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

To

4/6



W.P.No.9880 of 2022

1. The Chief Educational Officer,
Nagapattinam,
Nagapattinam District.

2. The District Educational Officer,
Mayiladuthurai,
Nagapattinam District.

3. The Secretary,
K.S.O. High School,
Manganallur,
Mayiladuthurai Taluk,
Nagapattinam District.



WEB COPY



W.P.No.9880 of 2020

G.K. ILANTHIRAIYAN. J.,

ab

W.P.No.9880 of 2020

01.10.2024