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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.24517 of 2024

R.S.Kumar

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai – 6.

2.The Chief Education Officer,
Vellore District.

3.The District Education Officer,
(Secondary) Vellore District.

4.The Secretary,
National Aided Higher Secondary School,
Gudiyatham,
Vellore – 632 607.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to accord approval for Voluntary Retirement of the petitioner as B.T.Assistant (Science) in the 4th respondent school, with effect from 27.9.2023, on the basis of the proposal



submitted by the 4th respondent School Management on 04.10.2023 and re-submitted on 8.8.2024 and thereby disburse terminal, pensionary and other monetary benefits to the petitioner, along with statutory interest for belated payment.

For Petitioner : Mr.S.N.Ravichandran

For Respondent : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents 1 to 3 to accord approval to the petitioner for Voluntary Retirement from the 4th respondent school on the basis of the proposal submitted by the 4th respondent School Management on 04.10.2023 and re-submitted on 08.08.2024 and for disbursement of the monetary benefits.

2.Heard Mr.S.N.Ravichandran, learned counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader



appearing on behalf of respondents 1 to 3.

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3.The grievance of the petitioner is that the petitioner had submitted voluntary retirement before the 4th respondent. The 4th respondent passed the resolution on 29.09.2023, accepting the voluntary retirement given by the petitioner and it was ratified to relieve the petitioner from service w.e.f. 27.09.2023. The 4th respondent forwarded the proposal to respondents 1 to 3 on 04.10.2023. Since no action was forth-coming, the petitioner made a representation on 12.12.2023 to the 2nd respondent requesting for approval of the voluntary retirement submitted by the petitioner and for payment of the benefits.

4.The 3rd respondent in the meantime sent a communication to the 4th respondent to repay the alleged excess amount paid to the petitioner for the period from 01.09.1997 to 31.05.2023 to the Government account. The 4th respondent School thereafter re-submitted the proposals to the 3rd respondent on 08.08.2024 with an explanation. Since, the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.



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5. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the 2nd respondent to deal with the proposal re-submitted by the 4th respondent School on 08.08.2024, on its own merits and in accordance with law and convey the decision, within a period of four weeks from the date of receipt of copy of this order.

6. This writ petition is disposed of with the above directions. No Costs.

23.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Director of School Education,
College Road, Chennai – 6.
2. The Chief Education Officer,



Vellore District.



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3. The District Education Officer,
(Secondary) Vellore District.
4. The Secretary,
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N. ANAND VENKATESH, J.

SSI

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