



W.P.No.27240 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.27240 of 2023

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...Petitioner

-Vs-

- 1.The Director,
The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006
- 2.The Joint Director (Aided School),
The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006
- 3.The Chief Educational Officer,
The Chief Educational Officer's office,
Thiruvarur
- 4.The District Elementary Educational Officer,
District Elementary Educational Office,
District Teacher Training Institution Campus,
Mannargudi, Thiruvarur District
- 5.The Block Educational Officer,
Block Education Officer's office,
Panchayat Union Elementary Education Campus,
Needamagalam,
Thiruvarur District



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6. The Correspondent/Secretary,
St.Mary's Primary School,
Melalavandhacheri,
Needamagalam Taluk,
Tiruvarur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 5 to give effect to the orders passed by the 4th respondent dated 25.07.2023 in Na.Ka.No.1840/A4/2023, directing reinstatement of the petitioner to post of Head Mistress of St.Mary's Primary School, Melalavandhacheri and sanction grant of salary from the date of issue of this order to the petitioner along with other incidental and consequential benefits within a time frame.

For Petitioner : Mr.R.Veeramani

For R1 to R5 : Mr.K.H.Ravikumar
Government Advocate

For R6 : M/s.V.V.Sathya

ORDER

This Writ Petition has been filed for directing the respondents 1 to 5 to give effect the order passed by the 4th respondent dated 25.07.2023 in Na.Ka.No.1840/A4/2023.

2. The petitioner was appointed as Junior Secondary Grade Assistant, on 01.04.2005 in the 6th respondent's school. Her appointment was duly approved



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by the District Elementary Educational Officer/4th respondent herein, by its proceedings, dated 06.10.2005. Subsequently, she was promoted as Head Mistress in the same school and the same was also approved by the 4th respondent herein by its proceedings, dated 21.09.2015.

3. Due to the compulsion and coercion of the 6th respondent herein, she had given resignation. On the same day, the 6th respondent's school had created a record as, even on Rs.20/- stamp papers, she had tendered resignation voluntarily on 15.09.2020. Therefore, the 4th respondent herein did not accept the said resignation, dated 15.09.2020.

4. Against this record, she had submitted a representation to the respondents 1 to 4. Considering the said representation, the 2nd respondent had directed the 4th respondent to conduct an enquiry by its communication, dated 17.05.2022. However, no enquiry was conducted. Therefore, the petitioner was constrained to approach this Court by way of Writ Petition in W.P.No.8338 of 2023. This Court, by an order dated 17.03.2023 had directed the concerned authority to conduct an enquiry.



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5. Accordingly, the 4th respondent had conducted an enquiry and by an order, dated 25.07.2023, it was held that the resignation dated 15.09.2020 was obtained from the petitioner by the 6th respondent's school is involuntary and forceful. Therefore, no approval was granted on the resignation letter and had directed the 6th respondent to reinstate the petitioner into service of the 6th respondent's school or some other schools under its management.

6. However, the said directions were not complied with and as such, the petitioner, once again submitted a representation to all the higher officials and it was also not considered and as such, approached this Court.

7. On perusal of the counter affidavit filed by the 4th respondent revealed that, as against the order passed by the 4th respondent, the 6th respondent filed an appeal before the 2nd respondent and it is pending. Therefore, the learned counsel for the 6th respondent submitted that the pending disposal of that appeal, the order passed by the 4th respondent cannot be implemented. Therefore, the directions sought for in this petition cannot be considered at present.



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8. However, the 2nd respondent is directed to pass an order on the appeal filed by the 6th respondent, after issuance of notice to the petitioner as well as the 6th respondent, after giving an opportunity of hearing to them and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and subject to the disposal of that appeal, the 6th respondent is directed to comply the order passed by the 4th respondent forthwith.

9. Accordingly, this Writ Petition is disposed of. No costs.

02.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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