



WP.No.29109 of 2024

In the High Court of Judicature at Madras

Dated : 24.10.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.29109 of 2024 &
WMP.No.31778 of 2024

P.Selvakumar, Secondary
Grade Teacher, Panchayat
Union Elementary School,
Erumaipatti, Erumapatti Union,
Namakkal District.

...Petitioner

Vs

1.The District Educational Officer
(Elementary), Namakkal,
Namakkal District.

2.The Block Educational Officer,
Erumaipatti Taluk,
Namakkal District.

3.A.Arun, Block Educational
Officer, Erumaipatti Taluk,
Namakkal District.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Certiorari to call for the records of the
2nd respondent herein in Na.Ka.No.713/A1/2024 dated 27.8.2024
and quash the same.



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For Petitioner : Mr.R.D.Ashok Kumar for
Mr.S.N.Ravichandran
For R1 & R2 : Mrs.P.Rajarajeswari, GA
For R3 : Served and No appearance

ORDER

This writ petition has been filed challenging the proceedings dated 27.8.2024 whereby the second respondent declared that the nine days leave taken by the petitioner would be treated as leave on loss of pay.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of respondents 1 and 2. Though the third respondent is served and his name printed in the cause list, he has not chosen to appear either in person or through counsel.

3. The case of the petitioner is as follows :

(i) The petitioner is working as a Secondary Grade Teacher in the Panchayat Union Elementary School, Sivanthipatti, Erumpatti Block, Namakkal District. On 13.1.2024, he met with an accident and hence, he availed medical leave for 35 days. As an after effect, the petitioner had availed medical leave as per the advice of the doctor



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on 01.8.2024 and 02.8.2024 by applying for medical leave through the Headmaster of the school. Thereafter, the petitioner joined duty on 05.8.2024. Once again, the petitioner fell ill and he applied for medical leave from 07.8.2024 to 09.8.2024 again by applying through the Headmaster of the school. In turn, the Headmaster of the school forwarded these two medical leave applications to the second respondent.

(ii) Though the petitioner sought for sanction of the medical leave, the second respondent, through the impugned proceedings, rejected the claim made by the petitioner and treated the total nine days leave period as leave on loss of pay. Aggrieved by that, the petitioner is before this Court.

4. The second respondent filed a counter for himself and on behalf of respondents 1 and 3, in which, he has taken a stand that the petitioner did not hand over the medical leave applications on time, that he was regularly availing leave and that therefore, the nine days leave taken by the petitioner had to be treated as leave on loss of pay. Ultimately, the respondents sought for dismissal of this writ petition.

5. This Court has carefully considered the submissions of the



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learned counsel on either side and perused the materials available on record and more particularly the impugned order.

6. In the considered view of this Court, the impugned order dated 27.8.2024 has been passed by the second respondent on the premise that the petitioner had gone on leave without informing the Headmaster concerned and without producing the medical certificates.

7. The ground that has been put against the petitioner is not sustainable since the petitioner had, in fact, submitted the leave applications to the Headmaster concerned along with the medical certificates. The Headmaster concerned also countersigned the applications and forwarded the same to the second respondent. Therefore, for both the spells, leave was availed by submitting the applications properly along with the medical certificates. In view of the same, the reason that has been assigned by the second respondent in the impugned order is unsustainable.

8. In the light of the above discussions, the impugned proceedings of the second respondent dated 27.8.2024 is hereby quashed. The second respondent is directed to issue appropriate



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proceedings sanctioning the medical leave of the petitioner for 9 days on 01.8.2024 and 02.8.2024 and from 07.8.2024 to 09.8.2024 after permitting to avail the holidays on 03.8.2024 (Saturday), 04.8.2024 (Sunday), 10.8.2024 (Saturday) and 11.8.2024 (Sunday). The necessary proceedings shall be issued by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

9. In the result, the writ petition is allowed with the above directions. No costs. Consequently, the connected WMP is closed.

24.10.2024

To

1.The District Educational Officer
(Elementary), Namakkal,
Namakkal District.

2.The Block Educational Officer,
Erumaipatti Taluk,
Namakkal District.

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