



W.P.No.36177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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M. Subramaniam

...Petitioner

Vs

1. Government of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.

2. The Director of School Education,
DPI Campus, Nungambakkam,
Chennai 600 006.

3. The Joint Director of School Education (Higher Secondary)
Chennai – 600 006.

4. The Chief Educational Officer,
Office of the Chief Educational Officer,
Coimbatore – 641 001.

5. The District Educational Officer,
Officer of the District Educational Officer,
Pollachi – 641 001.

6. The Secretary
Palaniammal Higher Secondary School,
Kaliyapuram, Pollachi Taluk, Coimbatore District



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7. The Secretary,
S.C.M. Higher Secondary School, Vadambacher Post.
Sulur Taluk, Coimbatore

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 herein to consider the representations given by the petitioner dated 05.11.2019 and 07.07.2020 and consequential direct the 1 to 3 respondents to regularize the dismissal periods of the petitioner from 01.01.2010 to 18.11.2018 and disburse the monetary benefits as per the recommendations given by the 7th respondent dated 01.11.2022 and pass orders.

For Petitioner : Mr. P. Nethaji

For Respondent : Mrs. S.Mythreye Chandru
Special Government Pleader

ORDER

By consent of learned counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Mandamus directing the respondents 1 to 3 herein to consider the representations given by the petitioner dated 05.11.2019 and 07.07.2020 and consequential direct the 1 to 3 respondents to regularize the dismissal



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periods of the petitioner from 01.01.2010 to 18.11.2018 and disburse the monetary benefits as per the recommendations given by the 7th respondent dated 01.11.2022 and pass orders.

3. The facts of the case is that a charge memo was issued by the 6th respondent to the petitioner who is working as a Head Master in the said school. Challenging the same there were several representations made more than three writ petitions were filed regarding the said issue. However, the issue reached finality by the orders passed by this Court in 13.04.2017 in W.A.No.219 of 2017 and W.P.No.42435 of 2016. The said order has not been complied with, due to which the petitioner filed Contempt petition in Cont.P.No.396 of 2018 and this Court vide order dated 11.06.2019 closed the petition and made an observation “the petitioner is entitled for certain monetary benefits, the question for consideration is that by whom it has to be paid and directed the petitioner to come forward with a comprehensive prayer”. It is pertinent to note that the 7th respondent vide order dated 01.11.2022 recommended the 5th respondent to consider the case of the petitioner. The sum and substance of the case is that the 5th respondent filed an affidavit in the said contempt



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petition stating that the petitioner service from the date of dismissal i.e 2010 to the date of reinstatement i.e 2018 will be regularized. However, the same has not been complied with, due to which the petitioner gave representation to the respondents 1 to 3 herein on 05.11.2019 and 07.07.2020, but the same was not considered till date. Hence, this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents 1 to 3 to consider petitioner's representation dated 05.11.2019 and 07.07.2020 and pass orders.

5. The learned Special Government Pleader appearing for the respondents 1 to 5 submitted that they will consider the case of the petitioner on merits and in accordance with law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents 1 to 3 to



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consider the petitioner's representation dated 05.11.2019 and 07.07.2020 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observations this writ petition stands disposed of. No order as to costs.

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Index:Yes/No

Speaking order/Non-speaking order

smn

To.

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V.BHAVANI SUBBAROYAN,J.

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