



WP(MD) No.9547 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9547 of 2024

and

W.M.P(MD)No.8644 of 2024

M.Neelambika

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.

2.The Joint Director of School
Education (Higher Secondary),
DPI Campus,
College Road,
Chennai - 600006.



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3.The Chief Educational Officer
Tenkasi District,
Tenkasi.

4.The District Educational Officer,
Tenkasi District,
Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent herein to consider the petitioner's representation dated 02.04.2024 and pass appropriate orders to pay the subsistence allowance from the date of suspension i.e., 19.07.2023 in the light of the proceedings of the 3rd respondent in Na.Ka.No.644/A4/2024 dated 08.02.2024 and to permit the petitioner to retire from service of P.G.Assistant (Zoology) with all her retirement benefits including commuted value of pension, Gratuity, EPF, Surrender leave salary and all other monetary benefits etc.



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For Petitioner : Mr. D.Nallathambi

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus, to direct the 3rd respondent herein to consider the petitioner's representation dated 02.04.2024 and pass appropriate orders to pay the subsistence allowance from the date of suspension i.e., 19.07.2023 in the light of the proceedings of the 3rd respondent in Na.Ka.No.644/A4/2024 dated 08.02.2024 and to permit the petitioner to retire from service of P.G.Assistant (Zoology) with all her retirement benefits including commuted value of pension, Gratuity, EPF, Surrender leave salary and all other monetary benefits etc.



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2. Heard Mr.D.Nallathambi, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was appointed as a P.G.Assistant (Zoology) in the Government Girls Higher Secondary School, Puliangudi, Tenkasi District. On the complaint given by some of the students, the petitioner was placed under suspension. Since there are allegations that one of the students committed suicide with a written note alleging the ill-treatment caused to her, a case has also been registered in Crime No.275 of 2023 on the file of the Inspector of Police, Puliangudi and the same is pending.



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5. Now, the claim of the petitioner is that on account of those facts, the petitioner was not allowed to retire after she has attained the age of superannuation on 31.07.2023 and neither subsistence allowance was paid to her.

6. However, the learned Additional Government Pleader appearing for the respondents submitted that subsistence allowances are being paid to the petitioner without any break.

7. Since the petitioner has attained the age of superannuation, the third respondent can take a decision to allow the petitioner to retire on some condition and to sanction provisional pension and release the eligible retirement benefits to the petitioner, even if she is presumed to have been given with the punishment of removed from service at the end of disciplinary proceedings, if any, taken against her. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above direction, this writ petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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To
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9547 of 2024

18.04.2024