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W.P.(MD) No.4232 of 2019

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD) No.4232 of 2019**

**and**

**W.M.P.(MD) No.9662 of 2022**

V.Jayalakshmi

... Petitioner

-vs-

- 1.The Secretary to Government  
School Education Department  
Government of Tamil Nadu  
Secretariat, Chennai-600 009
- 2.The District Educational Officer  
O/o.The District Educational Office  
Kamatchi Josiyar Street  
Kumbakonam, Thanjavur District
- 3.The Block Educational Officer  
Thiruvidaimaruthur, Thanjavur District

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to treat the petitioner as Elementary School Headmaster for all purposes including the terminal benefit



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purpose with effect from 01.07.1997 taking into consideration of the fact that the petitioner was posted as Secondary Grade Teacher from the post of Elementary School Headmaster on account of administrative reasons consequently directing the respondents to provide arrears of salary from 22.07.1991 to 04.06.1996 based on the petitioner's representation dated 24.01.2019.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.T.Amjad Khan  
Government Advocate

### **ORDER**

This writ petition has been filed for a mandamus seeking for a direction to the respondents to treat the petitioner as Elementary School Headmaster for all purposes, including the terminal benefit purpose, with effect from 01.07.1997 by taking into consideration of the fact that she was posted as Secondary Grade Teacher from the post of Elementary School Headmaster on account of administrative reasons and consequently to direct the respondents to provide arrears of salary from 22.07.1991 to 04.06.1996 based on the petitioner's representation dated 24.01.2019.



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**2.** A counter affidavit has also been filed by the respondents denying the contentions of the petitioner. They have taken a specific plea that for a similar relief, the petitioner had earlier filed a writ petition and the same was dismissed as infructuous and therefore, she cannot seek for a similar relief by filing another writ petition. The said submission was disputed by the petitioner as seen from the arguments advanced by the learned counsel for the petitioner before this Court.

**3.** Admittedly, a representation was given by the petitioner seeking for the relief sought for in this writ petition to the respondents on 24.01.2019 and the same was not considered by the respondents by passing final orders on the said representation. No prejudice will be caused to the respondents, if the petitioner is allowed to give a fresh representation to the respondents seeking a similar relief as sought for in this writ petition and a direction is issued to the respondents to consider the same on merits and in accordance with law, within a time frame to be fixed by this Court.



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**4.** For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the respondents seeking to treat her as Elementary School Headmaster for all purposes, including the terminal benefit purpose, with effect from 01.07.1997 by taking into consideration of the fact that she was posted as Secondary Grade Teacher from the post of Elementary School Headmaster on account of administrative reasons and consequently to direct the respondents to provide arrears of salary from 22.07.1991 to 04.06.1996, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the second respondent shall pass final orders on merits and in accordance with law on the said representation, within a period of twelve weeks thereafter.

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

**21.10.2024**

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

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**ABDUL QUDDHOSE, J.**

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**21.10.2024**