



W.P.(MD).No.14584 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.14584 of 2021

G.Arunothaya Selvi

...Petitioner

Vs.

- 1.The Commissioner of School Education,
College Road, Chennai 600 006.
- 2.The District Educational Officer,
Tirunelveli, Tirunelveli District.
- 3.The Distirct Elementary Officer,
Sankarankovil, Tenkasi District.
- 4.The Assistnant Elementary Educational Officer,
Vasudevanallur, Tirunelveli District.
- 5.The Secretary,
Suyambulingam Primary School,
T.N.Pudugudi, Puliangudi,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to issue suitable directions to the fifth respondent to permit the petitioner to



W.P.(MD).No.14584 of 2021

join duty and to pay the salary as well as the arrears along with interest and directing the respondents to deploy the petitioner to other needy school from the fifth respondent school by considering the representation of the petitioner dated 28-05-2021 within a time frame that may be fixed by this Court.

For Petitioner : Mr.Arun Prasanth
for Mr.S.C.Herold Singh

For R-1 to R-4 : Mr.M.Sarangan,
Additional Government Pleader

For R-5 : Mr.Ramsundarvijayraj

ORDER

This Writ Petition has been filed seeking direction to respondents 1 to 3 to issue a suitable direction to the fifth respondent to permit the petitioner to join duty and to pay the salary as well as the arrears along with interest and consequently to direct the respondents to deploy the petitioner to other needy school from the fifth respondent school by considering the representation of the petitioner dated 28-05-2021.

2. The petitioner was appointed as a 'Secondary Grade Teacher' in St.Mary's Elementary School, Vickaramasingapuram on 28.04.1997.



W.P.(MD).No.14584 of 2021

Thereafter, she was deployed to the fifth respondent School on 19.10.2002. Certain internal problems crept between the fifth respondent Management and the petitioner, as a result of which, the petitioner was visited with three charge memos on 01.07.2009, 19.05.2010 and 28.06.2019 respectively. Challenging the same, the petitioner filed W.P.(MD).No.8360 of 2010 before this Court and this Court, by an order dated 16.12.2020 was pleased to allow the writ petition, thereby quashing all the three charge memos issued as against the petitioner. In the meanwhile, for the period from 18.09.2009 to 06.02.2015, the petitioner was not disbursed with salary as well as the arrears. In view of the same, she made a representation dated 28.05.2021 to the official respondents to deploy her to any other needy School from the fifth respondent School. Since the same was not considered by the respondents, the present Writ Petition came to be filed.

3. The learned counsel appearing for the petitioner Mr.Arun Prasanth for Mr.S.C.Herold Singh vehemently submitted that this is a tale of a teacher who has been subjected to unprecedented arrogance by the fifth respondent Management and has been victimized in her work atmosphere and for the minor



W.P.(MD).No.14584 of 2021

issues which crept in between the fifth respondent Management while admitting that the petitioner's daughter in the fifth respondent School, she was visited with three charge memos one after the another on 01.07.2009, 19.05.2010 and 28.06.2010 respectively. Despite this Court having quashed all the three charge memos, by its order in W.P.(MD).No.8360 of 2010 dated 16.12.2020, even thereafter, she was not permitted to join service in the School. She was not permitted to work in the School without putting her under suspension. In the meanwhile, the petitioner has availed a casual leave from 05.11.2014 to 09.11.2014, medical leave from 10.11.2014, not being able to work in the atmosphere which prevailed in her place of work. Thereafter, on 07.02.2015, she requested the fifth respondent Management for permitting her to work in the said School that was not granted to her. In view of the same, she further filed W.P.(MD).No.16493 of 2015 before this Court and this Court was pleased to dismiss the same on 16.12.2020, giving liberty to the petitioner to approach the competent authority under the provisions of the statute for the redressal of the grievances. Immediately, the petitioner approached the respondent authorities personally to the various authorities one after the other but that was of no avail. Hence, on 28.05.2021, she made an elaborate



W.P.(MD).No.14584 of 2021

representation as to the nature of difficulty as continuously being subjected by the fifth respondent School requesting the respondent Authorities to redeploy her in some other School. However, the same was not considered and on that basis, he submitted that necessarily the Writ Petition has to be allowed.

4. Per contra, Mr.Ramsundarvijayraj, learned counsel appearing for the fifth respondent drew my attention to the prayer sought for by the writ petitioner in this Writ Petition and contended that the relief sought for has two limbs.

- (i). to permit the petitioner to join duty in the fifth respondent School;
- (ii). to pay the salary as well as the arrears along with interest;

4.1. He also contended that already two separate Writ Petitions have been filed before this Court for these two limbs of prayers by the writ petitioner. The writ petitioner has filed W.P.(MD).No.6231 of 2012 before this Court seeking to direct the respondents to disburse the salary of the writ petitioner with all service benefits and the same came to be dismissed by this Court on 16.12.2020



W.P.(MD).No.14584 of 2021

WEB COPY

with liberty to the writ petitioner to approach the competent authority under the provisions of the statute, viz., the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, for redressal of her grievances and by following the procedures. He further pointed out that while another Writ Petition in W.P. (MD).No.13880 of 2009 came to be filed by the writ petitioner seeking to direct the respondents to permit the petitioner to work in the fifth respondent School and this Court by order dated 16.12.2020 dismissed the same by giving liberty to the writ petitioner again to approach the competent authority under the provision of the relevant statute for the redressal of her grievances and by following the procedures.

4.2. Following which, the learned counsel further contended that having filed these Writ Petitions twice for the similar relief, the writ petitioner again has come before this Court for the very same relief and hence, this Writ Petition is not maintainable and the same is liable to be dismissed.

5. Mr.M.Sarangan, learned Additional Government Pleader appearing for Respondent Nos.1 to 4 submitted that unless and until, the Service Book of the



W.P.(MD).No.14584 of 2021

writ petitioner along with the details of the qualifying service of the writ petitioner with appropriate entries in the Service Book is placed before them, the question of considering the representation will not arise.

6. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

7. In view of the relevant submission made by the respective parties, I am of the considered view that this Court, though has dismissed W.P. (MD).Nos.6321 of 2012 and 16493 of 2015, but has given liberty to approach the competent authorities. Only taking cue from the aforesaid relief, the writ petitioner has preferred a representation before the competent authority on 28.05.2021 for consideration.

8. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-



W.P.(MD).No.14584 of 2021

consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

9. In view of the specific submission made by the learned Additional Government Pleader, I hereby direct the fifth respondent to place the petitioner's Service Book along with all the necessary entries from the date of her appointment on 19.10.2002 before the third respondent. The writ petitioner is further directed to make a fresh representation in this regard by enclosing the representation dated 28.05.2021 within a period of one week from the date of receipt of a copy of this order along with all appropriate documents to the fifth respondent and on receipt of the same, the fifth respondent is directed to forward the same to the third respondent within a period of one week thereafter and on receipt of the same, the third respondent is directed to pass appropriate orders on merits and in accordance with law within a period of four (4) weeks from the date of receipt of copy of the representations received by him.



W.P.(MD).No.14584 of 2021

WEB COPY

10. Accordingly, this Writ Petition stands disposed of. No costs.

04.07.2024

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

To

1.The Commissioner of School Education,
College Road, Chennai 600 006.

2.The District Educational Officer,
Tirunelveli, Tirunelveli District.

3.The Distirct Elementary Officer,
Sankarankovil, Tenkasi District.

4.The Assistnant Elementary Educational Officer,
Vasudevanallur, Tirunelveli District.



WEB COPY



W.P.(MD).No.14584 of 2021

L.VICTORIA GOWRI, J.

TSG

W.P.(MD).No.14584 of 2021

04.07.2024