



WP(MD) No.14217 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.14217 of 2024

B.Pragalad Ravi

... Petitioner

Vs.

1.The District Education Officer,
(Secondary Education),
Melur, Madurai District.

2.The Secretary,
Thiyagarajar Higher Secondary School,
Vasantha Nagar,
Madurai.

3.The Headmaster,
Thiyagarajar Higher Secondary School,
Vasantha Nagar,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to exempt the petitioner from attending the office of the 1st respondent in connection with school duty thereby considering his health problems based on the petitioner's representation dated 17.05.2024.



WP(MD) No.14217 of 2024

For Petitioner : Mr.B.Pragalad Ravi

For Respondents : Mr.T.Amjadkhan

Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus directing the respondents to exempt the petitioner from attending the office of the 1st respondent in connection with school duty thereby considering his health problems based on the petitioner's representation dated 17.05.2024.

2. Heard Mr.B.Pragalad Ravi, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

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



WP(MD) No.14217 of 2024

WEB COPY

4. The grievance of the petitioner is that the petitioner has been working as Junior Assistant in the second and third respondent's school and he was called for an interview for the promotion to the post of PG Assistant (Commerce). Even though he scored higher marks, he has not been selected and thereafter, he was directed to attend office of the first respondent regularly and therefore, he has given a representation to the respondents stating that he is not in a position to attend the office of the first respondent, due to his health condition. The first respondent instructed the second respondent through the third respondent to send Junior Assistant appointed in approved post to attend the office of the first respondent in connection with school duty and also to avoid sending management staff to the office of the first respondent. Since it has not been considered till date, the present writ petition has been filed.

5. On perusal of the materials available on record, it is seen that the petitioner had made an unreasonable claim stating that the Lab Assistant, Librarian and Record Clerk working in the second respondent school are also equivalent to the post of the Junior Assistant and hence,



WP(MD) No.14217 of 2024

they can be deputed to the office of the first respondent whenever required. It is for the second respondent to allot duties to his staff union and the petitioner cannot take the right to dictate the terms to his employer to engage others for a particular work.

6. Naturally, the Lab Assistant and Librarian by their job title would involve in duties at the lab and the library respectively. The post of Record Clerk is inferior to the post of Junior Assistant and hence, the second respondent did not have any other option except to direct the petitioner to attend the first respondent office. Even if the petitioner feels that he is unwell to attend the job assigned to him, he is at liberty to take his decision to quit the job. Having assumed the job allotted to him, the petitioner cannot refuse the same on his health grounds.

7. Infact, the employer is at liberty to send away the staff who are medically unfit on medical invalidation. It is obviously because of the reason the government is not expected to give salary to the persons, who are not able to execute their work due to his health reasons. It is also expected to subject the persons like the petitioner to appear before the



WP(MD) No.14217 of 2024

WEB COPY

medical board in order to ascertain whether he is medically fit to do his job. As the petitioner has filed this writ petition with an unreasonable expectation of taming his employer to his whims by forgetting the role assigned to himself, the direction as sought by the petitioner cannot be granted.

8. In view of the aforesaid observations, I find no merit in this case and hence, this writ petition is dismissed. No costs.

01.07.2024

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

sm



WEB COPY



WP(MD) No.14217 of 2024

R.N.MANJULA, J.

sm

To

- 1.The District Education Officer,
(Secondary Education),
Melur, Madurai District.
- 2.The Secretary,
Thiyagarajar Higher Secondary School,
Vasantha Nagar, Madurai.
- 3.The Headmaster,
Thiyagarajar Higher Secondary School,
Vasantha Nagar, Madurai.

Order made in
W.P.(MD)No.14217 of 2024

01.07.2024