



WP(MD) No.18170 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18170 of 2024

C.Santhi

... Petitioner

Vs.

1. The Director of School Education,
College Road,
Chennai - 600 009.

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

3. The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

4. The Correspondent,
CMS-Evangelical Suvi David Memorial Higher Secondary School,
Karisalpati,
Cheranmahadevi Taluk,
Tirunelveli District.

....Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd and 3rd respondents to sanction and release salary forthwith to the petitioner in the post of Secondary Grade Teacher in the 4th respondent school for the period 13.08.2008 to 28.07.2009 by reckoning her past service in the same school from 05.03.1998 to 28.07.2009 by considering the petitioner's representations dated 11.11.2015 and 20.10.2018 and reminders thereon.

For Petitioner : Ms.M.F.Rooshi Maas

for M/s.Isaac Chambers

For Respondents : Mr.T.Amjadkhan – for R1 to R3

Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus to direct the 2nd and 3rd respondents to sanction and release salary forthwith to the petitioner in the post of Secondary Grade Teacher in the 4th respondent school for the period 13.08.2008 to 28.07.2009 by reckoning her past service in the same school from 05.03.1998 to 28.07.2009 by considering the petitioner's representations dated 11.11.2015 and 20.10.2018 and reminders thereon.



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2. Heard Ms.M.F.Rooshi Maas, learned counsel representing for M/s.Isaac Chambers 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.

4. The petitioner was initially appointed as Secondary Grade Teacher against a sanctioned post as early as on 05.03.1998 and his appointment in the said post was approved. The petitioner's name was included in the Teachers Provident Fund and she was placed under old pension scheme. Though the petitioner was terminated on 31.10.2000, she was reinstated and continued in the said post till 28.07.2009 and joined in the Panchayat Union School on the next day without any break i.e., on 29.07.2009. Therefore, the Hon'ble Division Bench by order, dated 05.11.2014 directed the District Educational Officer, to consider the claim of the petitioner regarding the service for the period from 05.03.1998 to 28.07.2009 for pension purpose also. Thereafter, the petitioner submitted a detailed representation to the



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respondents 2 and 3 on 11.11.2015 requesting them to regularise his service during the period of termination between 13.11.2020 to 13.08.2008 without salary considering the petitioner's reinstatement into service and pay salary w.e.f. 13.08.2008 to 28.07.2009 and place the petitioner under the old pension scheme. On 06.03.2018, the District Educational Officer raised certain queries, for which, the petitioner submitted a detailed reply on 20.10.2018 explaining the petitioner's entitlement for the said benefits. Since the same was not considered, the present writ petition has been filed.

5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the representations submitted by the petitioner would be considered by the respondents 1 to 3 within the time frame fixed by this Court.

6. In the light of the above observations, this Writ Petition is disposed of and the respondents 2 and 3 are directed to consider the petitioner's representations, dated 11.11.2015 and 20.10.2018 on its own merits and pass appropriate orders in accordance with law, within a



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period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents 2 and 3 to consider the same on its own merits. No costs.

01.08.2024

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

RM



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R.N.MANJULA, J.

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