



W.P.(MD).No.22727 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22727 of 2024

and

W.M.P.(MD) Nos.19246 and 19248 of 2024

M.Kannan

... Petitioner

Vs.

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

2. The Secretary,
Thiyagarajar Higher Secondary School,
Vasanthanagar,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned Communication issued by the first respondent vide her proceedings in Na.Ka.No.2041/A6/2024, dated 03.09.2024 and consequential impugned communication issued by the second respondent dated 09.09.2024 and quash the same.



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For Petitioner : Mr.B.Prahalad Ravi

For R1 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Junior Assistant, working in the second respondent School, seeking to quash the order passed by the first respondent herein on 03.09.2024 and the consequential order passed by the second respondent on 09.09.2024.

2. The petitioner herein has availed medical leave for the period between 22.05.2024 and 13.06.2024. The period of leave was regularised by the Management and the petitioner has also received the salary. The petitioner has again availed earned leave for a period between 12.07.2024 and 06.08.2024. The said period has also been regularised and the petitioner has received the salary. However, when the petitioner has taken earned leave between 16.08.2024 and 13.09.2024, the Management has so far not regularised the said period and therefore, the impugned order has been passed by the first respondent seeking the Management to send information relating



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to the regularization of the said period. Apart from that, instructions have also been issued by the first respondent to the second respondent to direct the writ petitioner to obtain a Medical Certificate with regard to the fitness to carry out his employment. Based upon the order of the first respondent, the consequential order has been passed by the second respondent directing the petitioner to appear before the Medical Board and obtain fitness Certificate. These two orders are under challenge in the present writ petition.

3. The order of the first respondent has been passed, based upon the observation made by this Court in W.P(MD) No.14217 of 2024, dated 01.07.2024. Therefore, this Court is of the considered opinion that the petitioner need not be directed to appear before the Medical Board, especially when he has only availed earned leave. However, when the petitioner has availed earned leave between 16.08.2024 and 13.09.2024, the said period has to be regularised by the Management before the salary is disbursed by the first respondent.

4. In view of the above said facts, this Court is inclined to quash the order passed by the second respondent dated 09.09.2024 and the portion of



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the order passed by the first respondent, wherein a direction has been issued to the School Management to direct the writ petitioner to obtain fitness Certificate. As far as the regularization of the earned leave of the petitioner for the period between 16.08.2024 and 13.09.2024 is concerned, it is for the petitioner to approach the School Management and obtain regularization of the said period. In case, if the period is regularised by the School Management, the first respondent is directed to release the salary of the writ petitioner.

5. With the above said observations, this Writ Petition stands partly allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

16.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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