



W.P.(MD)No.14128 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.14128 of 2016
and
W.M.P.(MD)No.10502 of 2016

A.Xavier Christiana

... Petitioner

-VS-

- 1.The Chief Educational Officer,
O/o. Chief Educational Officer,
Tuticorin District,
Tuticorin.
- 2.The District Educational Officer,
O/o. the District Educational Officer,
Tuticorin District,
Tuticorin.
- 3.The Correspondent,
Dasnevis Matha Girls Higher Secondary School,
George Road,
Tuticorin - 628 001.
- 4.The Headmaster,
Dasnevis Matha Girls Higher Secondary School,
George Road,
Tuticorin - 628 001.



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5.Selvia Bakkiavathy,
Secondary Grade Teacher,
Dasnevis Matha Girls Higher Secondary School,
George Road,
Tuticorin - 628 001.

6.G.Merlin,
Secondary Grade Teacher / Junior Grade B.T. Assistant,
Dasnevis Matha Girls Higher Secondary School,
George Road,
Tuticorin - 628 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the Impugned Order in Na.Ka.No.6306/Aa3/2016, dated 25.07.2016, on the file of the first respondent and the consequential Impugned Order in Na.Ka.No.47/2016-17 School No:TCN 406, dated 28.07.2016, on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr.G.Karthick
for M/s.Lajapathi Roy and Associates

For R1 and R2 : Mr.P.T.Thiraviyam
Government Advocate

For R3 and R4 : Fr.S.Savarimuthu
for M/s.Father Xavier Associates

ORDER

The petitioner is a Secondary Grade Teacher, who served in the third respondent's School since 07.04.1993. While so, on 25.07.2016, the first respondent vide the impugned order of deployment in Na.Ka.No.6306/Aa3/2016,



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deployed the petitioner from the third respondent's School to the TDTA PSP Higher Secondary School, Pudukkottai. Complying with the said order, the third respondent relieved the petitioner from the service, facilitating her to join in the TDTA PSP Higher Secondary School, Pudukkottai. However, without joining in the said School, the petitioner submitted an application for medical leave before the third respondent, which was not appreciated and accepted by the third respondent, since she was already relieved from the service of the third respondent's School. Challenging the order of deployment, the present Writ Petition came to be filed.

2. Earlier, when the Writ Petition was taken up for hearing, this Court, by order dated 15.11.2023, directed the third respondent to permit the petitioner to join duty on 17.11.2023 and report compliance before this Court on 24.11.2023. However, the third respondent did not permit the petitioner to join duty in compliance with the order passed by this Court, dated 15.11.2023.

3. When the above said fact was brought to the knowledge of the first respondent, the first respondent, vide her proceedings in Na.Ka.No. 6306/Aa3/2016, dated 04.02.2024, directed the third respondent to permit the



petitioner to join duty immediately.

4. Today, when the matter was taken up for hearing, Mr.G.Karthick, learned counsel appearing for the petitioner submitted that the third respondent has not permitted the petitioner to join duty so far. He further submitted that if the petitioner is allowed to join duty at the third respondent's School, she undertakes to avail herself of the voluntary retirement scheme immediately thereafter.

5. In response to the above said submission, Fr.S.Savarimuthu, learned counsel for the respondents 3 and 4 submitted that if the petitioner intends to proceed with voluntary retirement, the third respondent has no objection in allowing her to join duty and then retire. However, if she fails to adhere to this undertaking, the third respondent's school will be left with a surplus teacher.

6. Considering the above rival submissions made by the learned counsel appearing for the parties, the impugned order of the first respondent dated 25.07.2016, is hereby quashed. The third respondent is directed to permit the



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petitioner to join duty forthwith in the School and the petitioner is thereafter directed to make an application for voluntary retirement on the same date of joining and on receipt of the same, the third respondent is directed to take appropriate steps in accordance with law.

7. Accordingly, the Writ Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : Yes
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11.09.2024

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Tuticorin.
- 2.The District Educational Officer,
O/o. the District Educational Officer,
Tuticorin District,
Tuticorin.



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L.VICTORIA GOWRI, J.

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