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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.26743 of 2023

and

WMP(MD)No.22999 of 2023

D.Indira

.. Petitioner

Vs.

1. The Director / Mission Director,
Integrated Child Development Services,
No.1, Pammal Nallathambi Street,
M.G.R.Road, Taramani,
Chennai - 600 113.

2. The District Programme Officer,
Integrated Child Development Project Office,
3rd Floor, Collectorate New Buildings,
Madurai - 625 020.

3. The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maaligai,
Thallakulam,
Madurai - 625 002.

4. The Chief Educational Officer,
Madurai City Municipal Corporation,



WEB COURT

Arignar Anna Maaligai,
Thallakulam,
Madurai - 625 002.

5. The Head Master,
Madurai Corporation Primary School,
Subramaniapuram,
Madurai - 625 011.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to allow the petitioner to continue as Montessori Teacher in the 5th respondent school with all attendant monetary benefits based on the petitioner's representation dated 16.10.2023 within the time stipulated by this Court.

For Petitioner : Mr.J.S.Murali

For Respondents : Mr.T.Amjadkhan
Government Advocate
for R1, R2, R4 & R5

: Mr.K.Kannan
for R3

ORDER

Heard Mr.J.S.Murali, learned counsel appearing for the petitioner,



Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1,2,4 &5 and Mr.K.K.Kannan, learned counsel appearing for the 3rd respondent.

2. The petitioner has filed this writ petition for issuance of a Writ of Mandamus to direct the respondents to allow the petitioner to continue as Montessori Teacher in the 5th respondent school with all attendant monetary benefits based on the petitioner's representation dated 16.10.2023.

3. The petitioner was appointed as Montessori Teacher in the 5th respondent School on 02.06.2018 and she was working till the month of October in the school. Suddenly the 4th and 5th respondent directed the petitioner orally not to attend her duties as a Montessori Teacher from 15.10.2023 onwards. The grievance of the petitioner is that even without giving any notice to the petitioner, directed her to stop discharging her duties as a Montessori Teacher is against the principle of natural justice. In this regard, the petitioner sent a representation to the respondents on



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16.10.2023 to reinstate her as Montessori Teacher with pay protection.

But the same was not considered by the respondents so far. Hence, the petitioner has filed the present Writ Petition.

4. 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 them to consider the same on their own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the 4th respondent herein to consider the petitioner's representation dated 16.10.2023 on its own merits and pass appropriate orders in



accordance with law, within a period of six 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 4th respondent to consider the same on its own merits and in accordance with law.

6. With the above direction, the Writ Petition stands **disposed of**.

No costs. Consequently, connected miscellaneous petition is closed.

19.07.2024

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

To

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R.N.MANJULA, J.

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