



W.P.No. 32169 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.32169 of 2024
and
W.M.P.No.34927 and 34928 of 2024

K. Veeraragavan

.. Petitioner

Versus

1. State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Villupuram District.
4. The District Educational Officer,
Tindivanam, Villupuram District.
5. Sri Sivaprakasa Swamigal Higher Secondary School,
Rep by its Correspondent, Mailam, Villupuram.



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6. Gandhi Higher Secondary School,
Rep by its Correspondent, Thiruchitrambalam,
Vanoor, Villupuram

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to permit the petitioner to join duty in the 5th respondent school as BT Assistant Tamil and treat the period from 05.06.2024 to 31.06.2024 as period on duty and direct the respondents to pay the petitioner's arrears of salary from June 2024 to September 2024 to continue Regular payment of salary from June 2024 to September 2024 and to continue regular payment of salary due to him and pass orders.

For Petitioner : Mr.N. Kavitha Rameshwar

For Respondents 1 to 4 : Mrs.S. Mythreye Chandru,SGP

For Respondent 5 : Mr. S. Neduncheziyan,GP

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents to permit the petitioner to join duty in the 5th respondent school as BT Assistant-Tamil and treat the period from 05.06.2024 to 31.06.2024 as period on duty and direct the respondents to



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pay the petitioner's arrears of salary from June 2024 to September 2024 to continue Regular payment of salary from June 2024 to September 2024 and to continue regular payment of salary due to him and pass orders.

2. The facts of the case is that the petitioner was appointed as B.T.Assistant(Tamil) in the 6th Respondent/School on 15.11.2010. The 3rd Respondent passed an order redeploying the petitioner from the 6th respondent school to 5th respondent School on 30.05.2024. Pursuant to which the petitioner was relieved from the 6th respondent school. The sum and substance of the case is that the 5th Respondent/School does not permit the petitioner to join duty, due to which the petitioner made various representations in this regard and finally the 3rd respondent vide order dated 13.06.2024 permitted the petitioner to join duty. The further case of the petitioner is that inspite the petitioner made several representation requesting for payment of salary from June 2024 and also to treat the period from 05.06.2024 to 31.06.2024 as duty period, the same was not considered. Thereafter, due to illness the petitioner took



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medical leave. The grievance of the petitioner is that after availing Medical Leave when the petitioner went to join duty the 5th respondent did not permit the petitioner to join duty. Hence, this petition.

3. When the matter is taken up for hearing on 28.10.2024 this Court made an observation that considering the animosity shown by the 5th Respondent/School against the petitioner, it is very difficult for the petitioner to continue with the 5th Respondent/School. Therefore, a direction was issued to the 3rd respondent to ensure that either the petitioner should be properly treated in the 5th respondent School by giving all the attendant benefits or the petitioner has to be sent back to the 6th Respondent School. A decision in this regard shall be taken by the 3rd respondent and report before this Court.

4. Thereafter, when the matter is take up for hearing on 27.11.2024 the learned Special Government Pleader appearing for the respondents produced the proceedings of the CEO, Villupuram in NA.Ka.No.8010/A4/2024 dated 26.11.2024 wherein, it is stated that they



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would calculate the leave, which was already taken and would further calculate the period, which the petitioner is eligible for salary and would report before this Court. After the submission made by the learned Special Government Pleader, the counsel for the petitioner submitted that the petitioner is ready and willing to continue in the 5th respondent School, but the 5th respondent is refusing to permit the petitioner to carry out the job. Recording the submission made by the learned counsel for the petitioner this Court directed the 5th Respondent/School to permit the petitioner to continue his service till appropriate orders are passed.

5. Again when the matter is taken up hearing on 19.12.2024 the learned counsel for the petitioner submitted that the petitioner is still facing difficulty to join in the 5th Respondent/School. Hence, this Court directed the Respondents 1 to 4 to consider the request of the petitioner to transfer to any other school and report before this Court on 02.01.2025.

6. Today i.e 02.01.2025 when the matter is taken up for hearing the



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learned Special Government Pleader appearing for the respondents produced the proceedings of the third respondent in NA.Ka.No.8010/A4/2024 dated 21.12.2024 wherein it is stated that the petitioner was transferred to Gandhi Memorial School, Thiruvenninellur, Villupuram District, Villupuram.

7. On a perusal of the proceedings of the third respondent in NA.Ka.No.8010/A4/2024 dated 21.12.2024 it is made clear that the request of the petitioner with regard to transfer has been considered by the third respondent. But in the said proceedings there is no observation with regard to treating the period from 05.06.2024 to 31.06.2024 as period on duty and arrears of salary to be paid to the petitioner.

8. In view of the above, this Court directs the third Respondent to consider the aspect with regard to treating the period from 05.06.2024 to 31.06.2024 and arrears of salary and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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9. With the aforesaid direction, this writ petition is disposed of. No order as to costs. Consequently the connected miscellaneous petitions are closed.

02.01.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

1. The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai 600 009.

2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

3. The Chief Educational Officer,
Villupuram District.

4. The District Educational Officer,
Tindivanam, Villupuram District.

5. Sri Sivaprakasa Swamigal Higher Secondary School,
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V.BHAVANI SUBBAROYAN, J.

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