



W.P.(MD)No.16422 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.16422 of 2025

A.Syyed Ayeshal

: Petitioner

Vs.

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600009.

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

3. The Accountant General,
Anna Salai,
Chennai 600002.

4. The Chief Education Officer,
Sivagangai District,
Sivagangai 630 562.

5. The District Education Officer,
Sivagangai District,
Sivagangai 630 562.

6. The Correspondent,
Ilayangudi Aided Higher Secondary School,



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Ilayangudi,
Sivagangai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03.02.2025 and pass relevant orders on merits and in accordance with law by directing the respondents to treat the period of absence of 55 days between 10.02.2004 and 04.04.2004 when I was unceremoniously dismissed from service along with petitioner husband without any rhyme and reason as duty while I was working a PG Assistants at 5th Respondent Aided Higher Secondary School by cancelling the order passed by the 5th Respondent as 'extraordinary leave on loss of pay' and to take 55 days to my leave account to enable me to encash the same as retirement benefit, when the order of dismissal was stayed by this Court and furthermore in accordance with FR 54(9)(b) within the specific time frame as fixed by this Court.

For Petitioner : M/s.W.Pamelin

For Respondents : Mr.M.Siddharthan

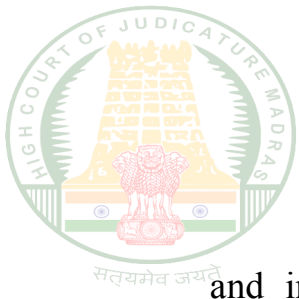
Additional Government Pleader

for R1, R2, R4 & R5

Mr.P.Gunasekaran for R3

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03.02.2025 and pass appropriate orders on merits



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and in accordance with law by treating the petitioner's 55 days of absence between 10.02.2004 and 04.04.2004, when she was unceremoniously dismissed from service along with her husband without justification as duty, while she was working as a P.G. Assistant at the 5th respondent Aided Higher Secondary School. The petitioner also seeks cancellation of the order passed by the 5th respondent treating the said period as extraordinary leave on loss of pay, and to credit the said period to her leave account to enable encashment as part of her retirement benefits, in view of the stay granted by this Court against the dismissal order and in accordance with Fundamental Rule 54(9)(b), within a time frame to be fixed by this Court.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the sixth respondent is dispensed with.

3. The petitioner is a retired teacher. Her grievance is that the fifth respondent, without assigning any reason, issued an order treating



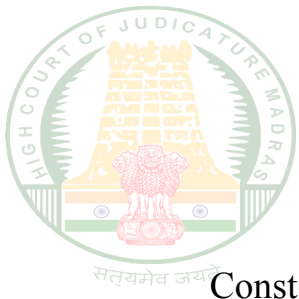
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55 days of her absence from 10.02.2004 to 04.04.2004 as extraordinary leave without pay, during the period she was dismissed from service along with her husband. In this regard, the petitioner submitted a detailed representation dated 03.02.2025 to the respondents, requesting that the said period be treated as duty and the corresponding allowance be paid. As no action has been taken on the said representation, the petitioner has filed the present writ petition seeking appropriate relief.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the fifth respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

5. 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 him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the



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Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the fifth respondent to consider the petitioner's representation dated 03.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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