



W.P.(MD)No.15419 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15419 of 2025
and
W.M.P.(MD)No.11650 of 2025

Saravanaraj

... Petitioner

-VS-

1.The Chief Educational Officer,
Dindigul District, Dindigul.

2.The Headmaster,
Government Higher Secondary School,
Sithayankottai, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's medical leave from 12.02.2024 to 25.03.2024 and from 28.04.2024 to 18.07.2024 and to pay the eligible salary to the petitioner, by considering the representation of the petitioner dated 03.04.2025.

For Petitioner : Mr.A.K.Baskarapandiyan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



W.P.(MD)No.15419 of 2025

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the respondents to regularize the petitioner's medical leave for the periods from 12.02.2024 to 25.03.2024 and from 28.04.2024 to 18.07.2024 and to pay the eligible salary to the petitioner, by considering his representation dated 03.04.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is working as a PG Assistant (Mathematics) in the Government Higher Secondary School and has been serving diligently without any adverse remarks since his initial appointment. Owing to serious health issues, the petitioner availed medical leave from 12.02.2024 to 25.03.2024 and again from 28.04.2024 to 18.07.2024, supported by valid medical certificates. Despite submitting proper documents, the leave has not been regularized and no salary has been paid to the petitioner for the said periods.

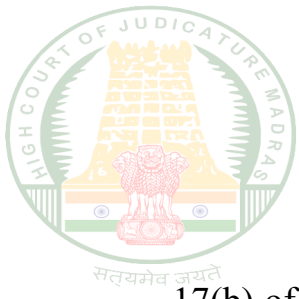


W.P.(MD)No.15419 of 2025

WEB COPY

4. Further, during medical leave, the petitioner was issued with a charge memo dated 12.03.2024 under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules for not attending examination duty. The petitioner submitted his explanation on 08.04.2024, which was accepted and no further action was taken. As the petitioner's health did not improve, further medical leave was sought and a fitness certificate was obtained from the Medical Board, certifying fitness to rejoin duty with effect from 21.08.2024. However, the second respondent did not permit the petitioner to join duty until 03.12.2024, despite repeated requests and submission of medical proof.

5. The petitioner submits that even after his rejoinment on 03.12.2024 and has been continuously working since then, the respondents neither have regularized his medical leave or paid the salary for the leave period nor have they paid salary for the service rendered from 03.12.2024 onwards. Therefore, the petitioner submitted representations dated 06.02.2025, 13.03.2025 and 03.04.2025, requesting regularization of leave and release of salary. Instead of taking positive action, the first respondent issued a charge memo under Rule



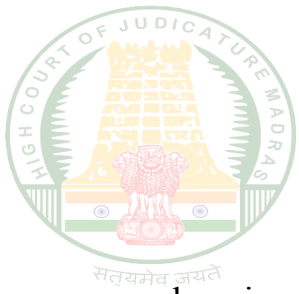
W.P.(MD)No.15419 of 2025

17(b) of the above said Rules, for which, the petitioner submitted his explanation on 28.04.2025.

6. The petitioner further submits that the denial of salary and leave regularization despite proper documents, repeated follow-ups and the petitioner's continued service amounts to arbitrary and unjust treatment by the respondents. The petitioner has been suffering without salary for over 17 months, which has caused severe financial hardship, despite being ready and willing to discharge his duties and having rejoined with valid medical fitness. Hence, the petitioner has no other effective remedy except to approach this Court, seeking a direction to the respondents to regularize his medical leave for the periods mentioned and to pay his due salary from 03.12.2024 onwards.

7. Heard the learned counsel appearing for the parties.

8. 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



W.P.(MD)No.15419 of 2025

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

9. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 03.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, 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.

10. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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W.P.(MD)No.15419 of 2025

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W.P.(MD)No.15419 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.15419 of 2025

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