



W.P.(MD)No.15891 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.15891 of 2025
and WMP (MD) No.12039 of 2025

P.Arulkodi

: Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Secretariat,
St. George Fort,
Chennai 600 009.

2. The Director of Elementary Education,
College Road,
Chennai 600 006.

3. The District Educational Officer(Secondary),
O/o. the District Educational Office,
Tirunelveli District.

4. The Block Education Officer,
Cheranmahadevi,
Tirunelveli District.

5. The Accountant General,
261, Anna Salai, Chennai 600 018.

: Respondents



W.P.(MD)No.15891 of 2025

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the withheld retirement benefits of the petitioner namely Earned Leave, Special Provident Fund, Salary for the re-employment period and all other benefits with accrued interest at 18 percent annum within a period that may be stipulated by this Court .

For Petitioner : Mr.H.Mohammed Imran
for M/s. Ajmal Associates
For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1 to R4
Ms.S.Mahalakshmi for R5

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing the respondents to disburse the petitioner's withheld retirement benefits, namely Earned Leave, Special Provident Fund, salary for the re-employment period and all other benefits, along with accrued interest at 18 percent per annum.

2. Heard the learned counsel for the parties.



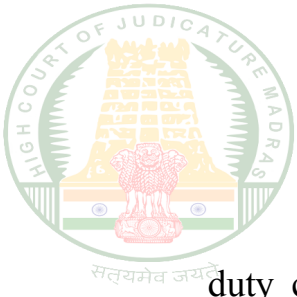
W.P.(MD)No.15891 of 2025

WEB COPY

3. The petitioner asserts that she was appointed as a Secondary Grade Teacher on 10.09.1986. Her grievance is that, due to an audit objection raised by the second respondent, her retirement benefits have not been disbursed. In this regard, the petitioner submitted an explanation dated 17.04.2025 in response to the audit report. As no action has been taken on the said explanation, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner also relied upon the judgment of the Hon'ble Division Bench of this Court dated 10.04.2019, passed in *State of Tamil Nadu, rep. by the Secretary to Government v. V. Mahalingam*, reported in *2019 SCC Online Mad 1195*. The learned counsel further submitted that it would suffice if this Court issues a direction to the fourth respondent to consider the petitioner's explanation and pass appropriate orders, in the light of the aforesaid judgment, within a time frame to be stipulated by this Court.

5. It is needless to point out that whenever an explanation/ representation of this nature is made to a Statutory Authority, there is a



W.P.(MD)No.15891 of 2025

WEB COPY

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 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 fourth respondent to consider the petitioner's explanation dated 17.04.2025, in the light of the judgment of this Court dated 10.04.2019 as relied upon and circulated by the learned counsel for the petitioner, on its own merits and pass appropriate orders in accordance with law, after affording due opportunity to the petitioner as well as to 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 third respondent to consider the same on its own merits.



W.P.(MD)No.15891 of 2025

WEB COPY

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

08.07.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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W.P.(MD)No.15891 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD) No.15891 of 2025

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