



W.P.(MD).No.28717 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.28717 of 2025

P.Shanthi

...Petitioner

-Vs-

1. The Director
Directorate of School Education DPI Complex College Road
Chennai-600006

2. The Joint Director (Staff)
Directorate of Government Examinations
DPI Campus
College Road
Chennai-600006

3. The Chief Educational Officer
Ramanathapuram

4. The District Educational Officer (Primary Education)
Ramanathapuram District.

5. The Block Educational Officer
Paramakudi
Ramanathapuram District.

6. The Head Master
Government Higher Secondary School
Kovilangulam
Ramanathapuram.

...Respondents



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Prayer : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents to consider petitioner's representation to reinstate the petitioner in the post of Secondary Grade Teacher, with all consequential service, pensionary, and monetary benefits, with interest at 6 percent annum till the date of actual disbursement and further, direct the respondents to furnish a certified copy of the dismissal order and related documents dated 17.09.2012 forthwith and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For petitioner : Mr.A.Thirumoorthy

For Respondents : M/s.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition is filed seeking direction to the respondents to consider petitioner's representation to reinstate the petitioner in the post of Secondary Grade Teacher, with all consequential service, pensionary, and monetary benefits, with interest at 6 percent annum till the date of actual disbursement and further, direct the respondents to furnish a certified copy of the dismissal order and related documents dated 17.09.2012 forthwith.



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2. The learned Counsel for the petitioner would contend that the petitioner was initially appointed as a Secondary Grade Teacher in the Government Higher Secondary School at Sayalkudi in the year 1998 and later transferred to Government High School, Kovilangulam. The allegation against the petitioner is that petitioner had secured his job by using forged educational certificates. Based upon the complaint filed by the Chief Educational Officer, a departmental proceedings has also been initiated against the petitioner and she was placed under suspension. As she had not been paid with subsistence allowance, the petitioner had approached this Court seeking payment of subsistence allowance which was also ordered by the Court.

3. He would submit that a criminal case was also registered against the petitioner and by an order dated 28.03.2025, the petitioner had been acquitted of all the charges. However, the departmental proceedings had been kept pending and she had not been paid with subsistence allowance. Hence, the petitioner had sent a representation on 07.07.2025, requesting the respondents to reinstate the petitioner into the service as Secondary Grade Teacher. He would further submit that the claim of the



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petitioner is that the petitioner was dismissed on 17.09.2012, and no copy of the order had been served upon the petitioner including the enquiry report. He would submit that such claim itself is a concocted claim by the Department to keep the petitioner away from service. Therefore, he prays this Court to allow the writ petition and to grant positive mandamus as prayed for.

4. Countering his argument, the learned Counsel for the Respondents would submit that the records relating to the petitioner which were maintained at Ramanathapuram District got destroyed in the fire accident that took place in the year 2021 and therefore the documents were not been able to be placed for which a police complaint has also been lodged. However, he relied upon the copy of the attendance register relating to the petitioner. He would submit that there is an entry made on 21.09.2012 recording the dismissal of the petitioner by proceedings made in September 2012. That apart, he would further submit that in a Writ Appeal filed by the Department against the order of the learned single Judge directing the payment of subsistence allowance, the fact of removal was placed by the Department before the Hon'ble Division Bench and the same



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was also not disputed by the learned Counsel for the petitioner who was the respondent therein. The Division Bench had given a finding that the petitioner would be entitled for subsistence allowance atleast till the date of her dismissal, as under the order of suspension, there is no decision as to how the period of subsistence should be treated. He had also placed the files before this Court and prays this Court to dismiss the writ petition.

5. I have carefully considered the submissions made on either and perused the materials available on record.

6. It is the claim of the petitioner that there has been no order of dismissal that had been passed against her and further it is the claim that such order not been communicated to her would be a *non-est* order and therefore the petitioner should be reinstated into service with all attendant benefits. On contrary, it is the claim of the department that the petitioner had been dismissed from service as early as on 17.09.2012, and therefore there can be no question of reinstating the petitioner in service. The issue of dismissal had been first reported before the Division Bench of this Court in WA.(MD).No.503 of 2012, by order dated 16.12.2019. The Division Bench



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of this court had recorded fact of removal as made by the Department.

Thereafter, the Hon'ble Division Bench had proceeded to hold that there is no justification for withholding the subsistence allowance which is admissible and favourable to the petitioner for the balance of period till the date she was removed. The petitioner had not raise the little finger on the said finding, by filing an application for review disputing that she had not been removed from service on the said given date. But on the contrary, the petitioner through her advocate had sent a legal notice to the Department seeking payment of subsistence allowance till 17.09.2012 for a period of 10 months 21 days. This itself would pre-suppose that the petitioner was aware that she had been dismissed from service on 17.09.2012.

7. For the afore said reasons, this Court did not find any merits in the writ petition. Accordingly, this writ petition is dismissed. No costs.

19.11.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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