



WEB COPY

W.P. No.29691 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.29691 of 2022

A.Antony Margaret
W/o.S.Ebenazar,
B.T. Assistant (Retired),
Bishop Upaharasamy Higher Secondary School,
Tirupur, Tirupur District.

..Petitioner(s)

Vs

1. The Director of School Education
College Road, Chennai-600 006.
2. The Chief Educational Officer,
Coimbatore District, Coimbatore.
3. The Chief Educational Officer,
Tirupur District, Tirupur.
4. The District Educational Officer,
Coimbatore District, Coimbatore.
5. The Superintendent of Schools,
RC Schools, Diocese of Coimbatore,
Coimbatore, Coimbatore District.
6. The Correspondent,
St.Antony's High School, Puliakulam,
Ramanathapuram Post, Coimbatore,
Coimbatore District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the Respondents to treat the period between 01.08.2015 and 14.07.2017 as a period spend on duty with full Salary and allowances and issues a consequential direction to the Respondents to grant arrears of salary for the above said period and include the same for calculating final settlement under contributory pension scheme and settle all terminal benefits accordingly.



For Petitioner(s): Mr.R.Saseetharan

For Respondent(s): Mr.A.M.Ayyathurai
Government Advocate (for R1 to R4)
Dr.Father Xavier Arulraj (for R5 & R6)

ORDER

The present writ petition is filed praying for a writ of Mandamus to direct the respondents to treat the period between 01.08.2015 and 14.07.2017 as period spend on duty with full salary and allowances and issue a consequential direction to respondents to grant arrears of salary for the above said period and include the same for calculating final settlement under contributory pension scheme and settle all terminal benefits to settle the terminal benefits.

2. Petitioner is a B.T.Assistant retired from the services of R.C.Management School, a Private Aided Minority Institution receiving grant from the State of Tamil Nadu. Petitioner was appointed as Junior Grade B.T. Assistant on consolidated pay on 01.06.2006 in St.Antony's High School, Puliakulam, in the sanctioned post and was later brought to regular scale of pay in the post of B.T. Assistant with effect from 01.06.2006. Her appointment is stated to have been approved by the Educational authorities. Some time in May 2015, the Chief Educational Officer, Coimbatore, had redeployed petitioner from St.Antony's High School, Coimbatore to Rosary Girls High School, Mettupalayam, Coimbatore of the same Management on the premise of surplus staff fixation in terms of G.O.Ms.525 dated 29.12.1997. On 31.07.2015, 6th



respondent directed that the petitioner be relieved from the post of B.T. Assistant, St.Antony's High School, Puliakulam, Coimbatore to Bishop Upagarasamy Higher Secondary School, without reference to the order of Chief Educational Officer dated 28.05.2015.

3. Petitioner filed a writ petition in W.P.No.25593 of 2015 which was disposed of vide order dated 08.06.2017 wherein petitioner's challenge to the transfer order passed by the 3rd respondent dated 29.07.2015 and consequential relieving order passed by the 3rd respondent dated 31.07.2015 was dismissed and a direction was issued to the petitioner to join duty at Bishop Upakarasamy Higher Secondary School, Tiruppur, within a period of one week from the date of receipt of a copy of the said order. It is stated that Petitioner thereafter joined at Bishop Upakarasamy Higher Secondary School, Tiruppur.

4. It is submitted by the learned counsel for respondents appearing on behalf of respondents 5 and 6 that petitioner had not joined duty between 18.08.2015 until 15.07.2017, which according to the learned counsel for respondents 2 and 3 was unauthorised and therefore petitioner would not be entitled to any pay.

5. Learned counsel for petitioner on the other hand attempted to explain that they had operation of the interim order and it is only in view thereof the



service register is extracted below:

F.D. 12. பிப்ரவரி 2020
 தாளாளர்
 வினாயகம் : கனகசபையி லிருந்திருப்பார்.



6. Consequent to the above undertaking / letter, pension was calculated and has also been duly paid according to the learned counsel for respondents 5 and 6. It is now submitted by the learned counsel for petitioner that they have now taken out representations 06.08.2018 and 27.11.2018 to treat the period from 01.08.2015 to 14.07.2017 as duty with salary.

7. Having heard both sides, since it is only for a writ of Mandamus and as such no order has been passed on the above request made by the petitioner, this Court would only think that it is appropriate that an order be passed. At this juncture, learned counsel for respondents would submit that they would pass appropriate orders on the petitioner's representation in accordance with law, within a time period to be stipulated by this Court.

8. In view thereof, respondents 1 to 4 are directed to consider petitioner's representation and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. Respondents 5 and 6 are likely to be subject to any adverse civil consequences, they shall be put on notice and heard. It is made clear that this Court has not expressed any opinion on the merits of the case, the appropriate authority shall dispose of the representation uninfluenced by any observations made.



9. Accordingly, the writ petition stands disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MKA



To:

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MOHAMMED SHAFFIQ J.

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