

Madras High Court

Punithavathi vs The Secretary on 2 February, 2021

W.P.No.1242 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1242 of 2021
(Heard through VC)

Punithavathi

.. Petitioner

-VS-

1.The Secretary,
School Education Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner,
School Education,
DPI, College Road,
Chennai - 600 006.

3.The Director,
Elementary Education,
DPI, College Road,
Chennai - 600 006.

4.The Chief Educational Officer,
Ariyalur District,
Ariyalur.

5.The District Educational Officer,
Udayarpalayam,
Ariyalur District.

6.The Block Educational Officer,
T.Pudur,
Udayarpalayam Taluk,
Ariyalur District.

.. Respondents

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<https://www.mhc.tn.gov.in/judis/>

Prayer: Petition filed under Article 226 of Constitution of India to i

a Writ of Mandamus directing the respondents herein to verify the details and dispose of the petitioner's representation dated 10.12.2020

For Petitioner : Mr.M.Senaprasad
For Respondents : Mr.P.Raja
Government Advocate

ORDER

The relief sought for by the petitioner is for a direction to the respondents herein to verify the details and dispose of her representation dated 10.12.2020.

2. The case of the petitioner is that she was working as Assistant Elementary Educational Officer in Kodumudi Union from 01.06.2008. While so, as per the proceedings of the Director of Elementary Education in Na.Ka.No.029437/I.1/2008 dated 10.09.2008, she was transferred to Thatlur Panchayat Union Middle School, Perambalur District to the post of Headmaster. She filed a writ petition in W.P.No.23254 of 2008 against the said order, de-promoting her from the post and had obtained an order of interim stay. Again the petitioner was transferred to Ramanathapuram District. Hence, she filed a writ <https://www.mhc.tn.gov.in/judis/> W.P.No.1242 of 2021 petition in W.P.No.12729 of 2009 and this Court had directed the second respondent therein to consider the representation of the petitioner dated 26.07.2011. But there was no action taken by the second respondent. Now the petitioner retired from service on 31.05.2014. The grievance of the petitioner is that though orders have been passed in the writ petitions filed by the petitioner, she was placed under compulsory wait for the period from 17.09.2008 to 14.10.2010. Without getting wages for the period from 01.09.2008 to 16.09.2008 and without regularizing her services for the period from 17.09.2008 to 14.10.2020, she was getting pension. In this regard, she made a representation to the second and third respondents on 14.02.2020 subsequently on 10.12.2020. But, so far, no orders have been passed by the second and third respondents. Hence, the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the respondents concerned to consider the representation of the petitioner dated 10.12.2020, if not already <https://www.mhc.tn.gov.in/judis/> W.P.No.1242 of 2021 considered and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of ninety (90) days from the date of receipt of a copy of this order.

5. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of the representation dated 10.12.2020 and this order, to the respondents forthwith. The respondents are

directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order. [https://www.mhc.tn.gov.in/judis/W.P.No.1242 of 2021](https://www.mhc.tn.gov.in/judis/W.P.No.1242%20of%202021) Accordingly, the Writ Petition is disposed of. No costs.

Index : Yes/no
Speaking order : Yes/No
rsi

To

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[https://www.mhc.tn.gov.in/judis/ W.P.No.1242 of 2021](https://www.mhc.tn.gov.in/judis/W.P.No.1242%20of%202021) S.VAIDYANATHAN, J.

rsi W.P.No.1242 of 2021 02.02.2021 <https://www.mhc.tn.gov.in/judis/>