



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 2534 of 2025
and
WMP.Nos.2849 & 2852 of 2025**

D.Sahila Jancy

..Petitioner(s)

Vs.

1. Director Of The Welfare Of Differently Abled
Directorate of the Welfare of Differently Abled
Lady Wellington College Campus,
Kamaraj Salai, Chennai 600 005.
2. The District Differently Abled Welfare Officer
DMS Campus, Teynampet, Chennai 600 018.
3. The Correspondent,
CSI Higher Secondary School for the Deaf,
12, Santhome High Road, Mylapore,
Chennai 600 004.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, calling for the records relating to the impugned order dated 13.09.2024 Ref. Na.Ka. No 8085761 / Si Pa. Ni. 2 / 2024 passed by the 1st respondent and the consequential order dated 12.11.2024 Ref. No Na.Ka. No 215/ A/ 2023 passed by the 2nd respondent and quash the same and consequently direct the respondents 1 and 2 to approve the appointment of the petitioner as Headmistress of the 3rd respondent school and release all her salary benefits payable to her by applying the scale applicable for



BT teacher with effect from 01.06.2006 to 04.08.2024 and her salaries and consequential benefits from the date of reinstatement with effect from 13.10.2023.

For Petitioner(s): Mr.S.Thanka Sivan

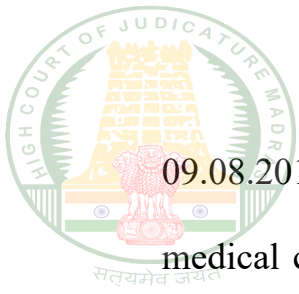
For Respondent(s): Mr.R.U.Dinesh Raj Kumar
Additional Govt. Pleader for R1 and R2

Ms.Radhini.V for R3

ORDER

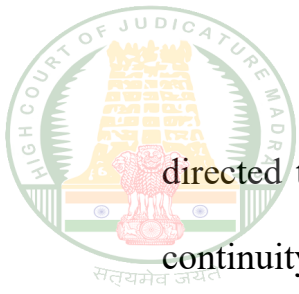
This Writ Petition has been filed challenging the impugned order dated 13.09.2024 passed by the 1st respondent and the consequential order dated 12.11.2024 passed by the 2nd respondent and quash the same and consequently direct the respondents 1 and 2 to approve the appointment of the petitioner as Headmistress of the 3rd respondent School and release all her salary benefits payable to her by applying the scale applicable for BT teacher with effect from 01.06.2006 to 04.08.2024 and her salaries and consequential benefits from the date of reinstatement with effect from 13.10.2023.

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Secondary Grade Teacher in the 3rd respondent School and a departmental proceeding was initiated against the petitioner, on the allegation that she had assaulted a student by name Raghavaraj on



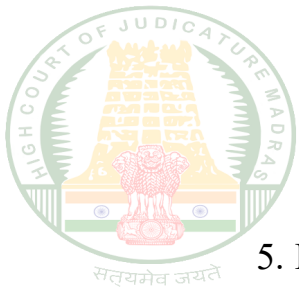
09.08.2014 and subsequently, the said student died on 25.01.2016 on account of medical complication. On the above allegations, enquiry was conducted and it was found that there was no nexus in the cause of the death of the student and injuries alleged to be caused by the petitioner on the deceased student. Thereafter, enquiry was conducted, the District Welfare Officer (Differently abled) appointed as enquiry officer. The Enquiry Officer filed a report recommending that the petitioner should be punished for having assaulted the differently abled student and transfer the petitioner to some other school. Based on the enquiry report, the Disciplinary authorities imposed a punishment of dismissal from service vide order dated 28.02.2017. The said punishment was challenged before this Court in W.P.No.7030 of 2017 and this Court, by its order dated 27.07.2021 granted liberty to the petitioner to make a representation to the Management for ventilating the grievance and direct the 3rd respondent School Management to send a proposal to the authorities concerned / 1st respondent expressing grievance as well as on the the punishment imposed by them through order dated 28.02.2017 and pass appropriate orders.

3. Pursuant to the said order by this Court, a proposal was sent once again by the School Management however, prior to that, the Joint Director submitted a report dated 17.02.2022 . Once again, final order has been passed on 13.05.2022 by the 1st respondent wherein, the 3rd respondent School Management was directed to reinstate the petitioner in service and further



directed to treat the period from 28.02.2017 till her date of joining service as continuity of service. Challenging the same, the 3rd respondent School Management filed a writ petition in W.P.No.17932 of 2022 and this Court by its order dated 09.08.2023, dismissed the said writ petition with a direction to the 1st respondent to pass orders transferring the petitioner from the 3rd respondent School to any other school run by the 3rd respondent Management and subsequently, pursuant to the order, the present impugned order was passed on 13.09.2024 by the 1st respondent directing the 3rd respondent to transfer the petitioner to any other school, however, the 3rd respondent sent a reply to the 1st respondent stating that there is no school to accommodate the petitioner however, the same was not accepted by the 1st respondent thereby, the present writ petition is filed with the above said prayer.

4. However, during the pendency of the writ petition, the respondent filed a status report saying that the 1st respondent sent a letter to the 2nd respondent to continue the petitioner in the post of Graduate Assistant however, refused to grant approval to the post of Headmistress, which was forwarded by the 3rd respondent hence, this Court may direct the 1st respondent to consider the proposal forwarded by the 3rd respondent for the post of Headmistress to the petitioner within a time as fixed by this Court.

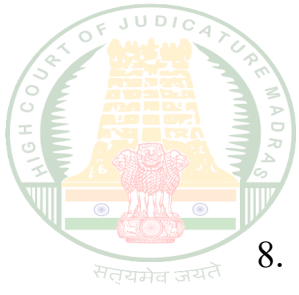


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5. Learned Additional Government Pleader appearing for the respondents would submit that any proposal forwarded by the 3rd respondent irrespective of the status report, the 1st respondent will consider the same and pass appropriate orders.

6. Considering the facts and circumstances of the case, since the 1st respondent himself filed a status report saying that there is no legal impediment to continue the petitioner in the post of Graduate Assistant however, they refused to consider the proposal for promotion to the post of Headmistress. Such a report filed by the 1st respondent is not permissible one. However, the 1st respondent has to necessarily consider the proposal forwarded by the 3rd respondent in accordance with law. If the petitioner satisfies the eligibility criteria for the post of Headmistress, there is a duty cast upon the 1st respondent to consider the same and pass appropriate orders.

7. In view of the same, the 1st respondent is directed to consider the proposal forwarded by the 3rd respondent and pass appropriate orders on the same, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The respondents are also directed to continue to pay salary to the petitioner.



8. This Writ Petition is disposed of with the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

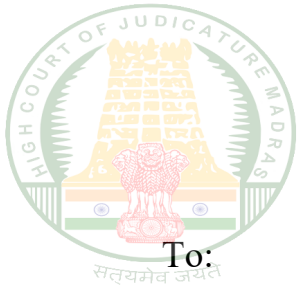
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

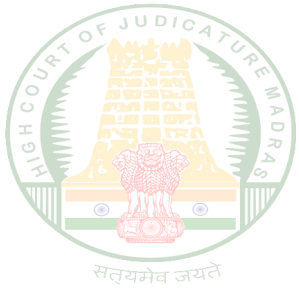
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To:

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M.DHANDAPANI, J.

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