



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Tuesday, the Ninth day of August Two Thousand Sixteen
PRESENT

THE HON'BLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

AND

THE HON'BLE MR.JUSTICE S.S.SUNDAR

REV.APLC (MD) No.74 of 2016

1 THE SECRETARY TO THE GOVERNMENT,
EDUCATION DEPARTMENT, SECRETARIAT,
FORT ST.GEORGE, CHENNAI-600 009.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-600 006.

3 THE DISTRICT EDUCATIONAL OFFICER,
TIRUNELVELI, TIRUNELVELI DISTRICT.

... PETITIONERS/APELLANTS

Vs

1 THE CORRESPONDENT,
SCHAFTER HIGHER SECONDARY SCHOOL,
TIRUNELVELI-1, TIRUNELVELI DISTRICT.

2 V.FRANKLIN JEBASINGH

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to prefer the following the Memorandum of Grounds of review application as against the order dated 03.03.2016 in W.A(MD) No.182 of 2016.

Prayer in W.A(MD) No.182 of 2016:

Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.12231 of 2014 dated 28.09.2015.

Prayer in WP(MD)No.12231/2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the arrears of salary to the petitioner to the post of Office Assistant in the 4th respondent school with effect from 03.06.2009 by passing appropriate order on the representation submitted by the petitioner dated 07.06.2014 with consequential attendant benefits arrears of salary with interest, within a time frame to be fixed by this Honourable Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.R.SHANMUGANATHAN, SPECIAL GOVT PLEADER for the petitioners, the court made the following order:-

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO,J**)

Heard Shri.V.R.Shanmugnathan, learned Special Government Pleader for



2.It is urged by the petitioners that though the second respondent-employee who has been working in a grant-in-aid post has been prevented by the management of the school from discharging his duties. Therefore, the fault if any in preventing such an employee from rendering service will have to lie at the doorstep of the management of the school concerned, and correspondingly, the management must be held accountable for such a lapse and pay for the salary and allowance of such an employee.

3.Issue notice to the first respondent in this regard, returnable by two weeks. However, with a view to regulate the exercise, we intend the Government to pay the salary and allowances at the first instance and we will examine their right to recover the same from the first respondent-management in this review application, later on.

sd/-

09/08/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SECRETARY TO THE GOVERNMENT,
EDUCATION DEPARTMENT, SECRETARIAT,
FORT ST.GEORGE, CHENNAI-600 009.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-600 006.

3 THE DISTRICT EDUCATIONAL OFFICER,
TIRUNELVELI, TIRUNELVELI DISTRICT.

ORDER

IN

REV.APLC(MD) No.74 of 2016

Date :09/08/2016

PA/SS II/SAR III/16.08.2016/2P/4C