



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.17625 of 2016
and
W.M.P (MD) No.12730 of 2016

Kayalpattinam Arumuganeri Higher Secondary
School Rep by its Secretary,
K.T.J.Prakash,
Arumuganeri, Peyanvilai,
Thoothukudi District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Secretariat, St., George Fort,
Chennai.
2. The Director of School Education,
O/o. Directorate of School Education,
DPI Campus, College Road,
Chennai 6.
3. The Chief Educational Officer,
O/o.the Chief Educational Office,
Thoothukudi, Thoothukudi District.
4. The District Educational Officer,
O/o.District Educational Office,
Si.Va.Higher Secondary School Complex,
Thoothukudi Town, Thoothukudi District.
5. Narasimman,
The District Educational Officer,
Si.Va.Higher Secondary School Complex,
Thoothukudi Town, Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 4th respondent to release the salary for the staffs working in the petitioners school in respect of the month of August 2016 in pursuant to the pay bill dated 27.08.2016 submitted by the petitioners school and continue to pay the same without any delay within the period that may be stipulated by this Court.



For Petitioner : Mr.M.Ajmalkhan,
Senior Counsel for M/s.Ajmal Associates
For Respondents 1-4 : Mr.N.S.Karthikeyan,
Additional Government Pleader.

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ORDER

Heard Mr.M.Ajmal Khan, learned Senior Counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader, who takes notice for the respondents 1 to 4. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.This writ petition has been filed to direct the fourth respondent to release salary to the staff working in the petitioner school in respect of the month of August 2016, pursuant to the pay bill dated 27.08.2016 submitted by the petitioner school and continue to pay the same without any delay.

3.Learned Senior Counsel appearing for the petitioner school would contend that challenging the direct payment order passed by the fourth respondent, dated 25.07.2016, the petitioner school filed a writ petition in W.P(MD)No.14141 of 2016 and this Court by an order dated 10.08.2016, set aside the above said order and allowed the said writ petition and remanded the matter before the fourth respondent. He would further contend that even though the above said order was passed on 10.08.2016, the fourth respondent so far not passed any orders and therefore, the petitioner school has sent proposal for the salary of the staff working in the petitioner school, which is pending. Hence, the present writ petition has been filed by the petitioner for the relief stated supra.

4.This Court by an order 10.08.2016 has set aside the direct payment order passed by the fourth respondent and held as follows:-

"10.In the result, the writ petition is allowed, leaving the parties to bear their own costs. The order passed by the fourth respondent in Na.Ka.No.4060/A1/2016, dated 25.07.2016 is hereby set aside by this Court, for the reasons assigned in the writ petition. The fourth respondent is directed to pass fresh orders in the subject-matter in issue of course with an open, free and unbiased mind and that too, in a dispassionate manner (of course after providing adequate/enough opportunity to the petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks from the date of receipt of a copy of this order. The petitioner school is directed to lend its assistance and co-operation to the fourth respondent, in passing the order afresh in the subject



*matter in issue within the time frame fixed by this Court.
Consequently, connected miscellaneous petition is closed."*

5. Considering the fact that the salary to the staff of the petitioner school has not been paid and direct payment order passed by the fourth respondent was set aside by this Court as early as on 10.08.2016 and the proposal sent by the petitioner school is also pending with the fourth respondent, the fourth respondent is directed to pay salary as per the proposal sent by the petitioner school and continue to pay salary, till the orders to be passed by the fourth respondent as ordered by this Court in W.P(MD)No.14141 of 2016, dated 10.08.2016.

6. The writ petition is accordingly disposed of. No costs. Consequently, W.M.P(MD)No.12730 of 2016 is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, St., George Fort,
Chennai.
2. The Director of School Education,
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O/o.the Chief Educational Office,
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4. The District Educational Officer,
O/o.District Educational Office,
Si.Va.Higher Secondary School Complex,
Thoothukudi Town, Thoothukudi District.

+ 1 CC TO M/S.AJMAL ASSOCIATES, IN SR No. 53684
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 53917

SMS

TE/AAL-MPA : 07/10/2016 : 3P/7C

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