

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.18411 of 2010 and
M.P.No.1 of 2010

T.S.Rajagopalan,
Secretary and Correspondent,
National Primary School,
Mannargudi,
Thiruvarur District.

... Petitioner

vs

1.The Director of School Education,
Chennai-600006.

2.The Joint Director of Elementary Education
Chennai-600006.

3.The District Elementary Education Officer,
Thiruvarur.

4.Shri V.Ramadurai,

5.S.Sethuraman,

.... Respondents

Prayer:- Petition filed under Article 226 of Constitution of India to issue a Writ or Order in the nature of a Writ of Mandamus to direct respondents 1 to 3 to disburse the aid and grant in relation to the National Primary School, Mannargudi, to the petitioner, who is functioning as the secretary and correspondent of the School.

For Petitioner :Mr.V.G.Suresh Kumar
For Respondents :Mr.V.Anandhamoorthy (for R1 to R3)
Additional Government Pleader
Mr.Sathish Parasaran (for R4 & R5)

O R D E R

The petitioner is the Secretary and Correspondent of the school. The school is an aided school. Due to certain disputes, 4th and 5th respondents filed a Civil Suit before the

Court in O.S.No.143/1999 and the same was decreed on 26.10.2007, which was also confirmed in A.S.No.34 of 2007 by decree and judgment dated 11.03.2008. The lower Court's decree has been challenged before this court in S.A.No.787 of 2008 and an order of stay has been obtained by the petitioner.

2. When that is the above position, the official respondents, taking note of Civil Court proceedings, started effecting direct payment to the teachers. Therefore, the petitioner has come before this court seeking a writ of mandamus directing the respondents to pay the salary through him. In a way, the petitioner challenges the direct payment made to the teachers by the Government.

3. The Civil Court's order has to be tested and decided only before this court in S.A.No.787 of 2008, with regard to the rights of the petitioner as well as respondents 4 and 5. As on date, there is an order of stay and the petitioner is the management. Therefore, his position cannot be disturbed in view of the stay order. However, it does not mean that, the petitioner can get payment from the Government and pay salary to the teachers. The Government, only after taking note of the disputes between the petitioner and the 4th and 5th respondents, started effecting payment directly to the teachers. Therefore, the prayer sought for by the petitioner cannot be granted. Hence this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

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To

1.The Director of School Education,
Chennai-600006.

2.The Joint Director of Elementary Education
Chennai-600006.

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3.The District Elementary Education Officer,
Thiruvarur.

+lcc to Mr.V.G.Suresh Kumar, Advocate Sr. 51929
+lcc to the Government Pleader Sr. 51413

W.P.No.18411 of 2010

SKS (CO)
VR(16/8/2017)



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