



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :21.12.2017

CORAM:
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
W.P(MD)No.16423 of 2014
and
M.P(MD)No.1 of 2014

Maglene Mendes

... Petitioner

Vs.

1.The Director of School Education,
College Road, Nungambakkam,
Chennai-06.

2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3.The District Educational Officer,
Kuzhithurai Marthandam,
Kanyakumari District.

4.The Correspondent,
Concordia Lutheran High School,
Kalparapottai, Kollamkode Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents No.2 to 4 to provide the salary and all other monetary benefits due to the petitioner regularly from February 2013 onwards within the time stipulated by this Court.

For Petitioner

: Mr.Lajapathi Roy

For Respondents 1 to 3

: Mr.V.Muruganantham
Additional Government Pleader

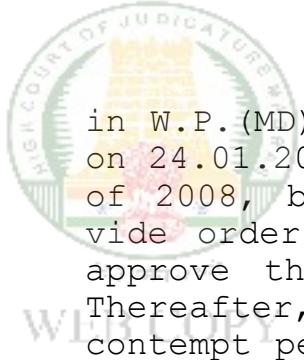
For R4

: No Appearance

ORDER

This writ petition has been filed, seeking to issue a Writ of Mandamus, directing the second, third and fourth respondent to provide the salary and all other monetary benefits due to the petitioner regularly from February 2013 onwards.

2.The learned counsel for the petitioner would submit that the petitioner was appointed to the post of B.T.Assistant (Malayalam) in Linguistic Minority Aided High School, of the 4th respondent school and sanction and approval for the same was pending with the respondents. The petitioner was constrained to file a Writ Petition



in W.P.(MD)No.9045 of 2007, for sanction and the same was dismissed on 24.01.2008. Thereafter, she preferred an appeal in W.A(MD)No.145 of 2008, before the Hon'ble High Court and the same was allowed vide order dated 24.07.2009, by directing the third respondent to approve the appointment and pay the salary within three months. Thereafter, for non compliance of the order the petitioner filed contempt petition and a review was preferred by the respondents and later SLP was also preferred, the same was also dismissed. Hence, the Division Bench order was confirmed. After the legal battle, the post of B.T.Assistant in Malayalam was approved on condition that the post is approved only till the said petitioner is in service. As per the said order, she was working from 01.01.1997, she has not received the salary from the respondents as per her appointment. Hence, she has filed this Writ Petition, with a prayer for directing the second, third and fourth respondents to provide the arrears of salary and all other monetary benefits.

3.After verification, the learned Additional Government Pleader submits that the salary has been paid to the petitioner with no arrears after filing of this writ petition and the said teacher is still working in the said school.

4.In view of the above said submissions, this Court is of the view that nothing survives for further adjudication in this Writ Petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Director of School Education,
College Road, Nungambakkam, Chennai-06.

2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

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4.The Correspondent,
Concordia Lutheran High School,
Kalparapottai, Kollamkode Post,
Kanyakumari District.

+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR. 94387

+1cc to M/S.Special Government Pleader, SR. 94853

W.P (MD) No.16423 of 2014
and

M.P (MD) No.1 of 2014
21.12.2017