



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.19968 of 2017

and

W.M.P. (MD) No.16272 of 2017

Sowdambigai Elementary School,
Represented by its Secretary,
Mr.M.Nagendran,
Allampatti,
Virudhunagar,
Virudhunagar District-626 001.

... Petitioner

Vs.

1. The Director of Elementary Education,
Directorate of Elementary Education,
Chennai.
2. The District Elementary Education Officer,
O/o.the District Elementary Education Officer,
Virudhunagar,
Virudhunagar District.
3. The Additional Assistant Elementary Education Officer,
O/o. the Assistant Elementary Education Officer,
Virudhunagar,
Virudhunagar District.

4.S.Murugesan

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari and Mandamus to call for the records pertaining to the impugned order in A.Thi.mu.no.1313/Aa/17 dated 06.10.2017 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondent No.2 and 3 to grant salary and other monetary benefits to the 8 teachers of the petitioner's School within the time period stipulated by this court.

For Petitioner : Mr.T.Aswin Rajasimman

**O R D E R**

This Writ Petition has been filed for Challenging the order dated 06.10.2017 passed by the first respondent and for consequential direction to the second and third respondent to grant salary and other monetary benefits to the 8 teachers of the petitioner School within the time period stipulated by this Court.

2.After hearing both sides this Court by an order dated 01.11.2017 in W.M.P.(MD)No.16272 of 2017 has passed the following order:

"The petitioner sent a proposal to the third respondent dated 04.10.2017, indicating that the headmistress of the petitioner's school namely, Mrs.M.Thangamani, was suspended by order dated 09.09.2017 and hence, subsistence allowance was claimed for her and salary was claimed in respect of other eight teachers by the letter dated 04.10.2017.

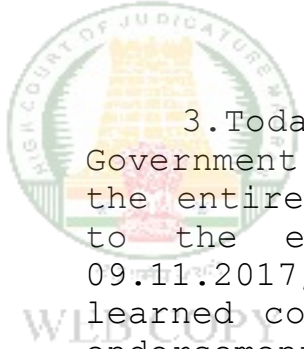
2.However, without considering the same in the aforesaid manner as sought by the petitioner, the third respondent returned the said proposal by stating that the school has to claim salary for all the nine teachers including the said Mrs.Thangamani. The third respondent has not indicated any specific reason for requiring the petitioner to claim salary for the said Mrs.M.Thangamani who has been kept under suspension.

3.Mr.R.Velmurugan, learned Government Advocate, appearing on behalf of the respondents 1 to 3 would submit that if the petitioner resubmits the aforesaid proposal the same would be reconsidered on merits in accordance with law.

4.Recording the said submission, the Registry is directed to return the impugned order to the petitioner after substituting the same with a true copy for Court record, and the petitioner is permitted to resubmit the same to the third respondent on or before 06.11.2017. The respondent shall complete the exercise of examining and issuing appropriate orders in accordance with law and communicate the decision taken to the petitioner on or before 15.11.2017.

5.The petitioner undertakes to implead the said Mrs.M.Thangamani as a respondent in the writ petition.

6.Post the matter on 22.11.2017 for further hearing."



3.Today, when the matter is taken up for hearing the learned Government Advocate appearing for the respondents submits that the entire amount due towards salary and other monetary benefits to the eight teachers has been paid by proceedings dated 09.11.2017, which has been produced before this Court and the learned counsel for the petitioner accepts the same and made an endorsement to that effect.

4.Recording the said endorsement, this Writ Petition is dismissed as withdrawn. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
Directorate of Elementary Education,
Chennai.
2. The District Elementary Education Officer,
O/o.the District Elementary Education Officer,
Virudhunagar,
Virudhunagar District.
3. The Additional Assistant Elementary Education Officer,
O/o. the Assistant Elementary Education Officer,
Virudhunagar, Virudhunagar District.

+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 88817
+ 1 cc TO The Special Government Pleader in SR No. 89103

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AE/GT/SAR3/12.12.2017/3P/6C

W.P. (MD) No.19968 of 2017
22.11.2017