

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

CORAM:

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR

W.P.No.38322 of 2003
and
W.M.P.No.46517 of 2003

Little Flower Primary School,
Chinna salem,
Villupuram District, rep. by
its Correspondent. ..Petitioner

Vs

The District Educational Officer,
(Primary School),
Villupuram. ..Respondent

Prayer: Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to his order Naka.No.3244/A5/2000 dated 23.09.2003 and quash the same.

For Petitioner : Mr.D.Nellaiappan

For Respondent : Mr.P.Raja
Government Advocate (Education)

O R D E R

The prayer sought for herein is for a issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent relating to his order Naka.No.3244/A5/2000 dated 23.09.2003.

2.The short facts required to be noticed for the disposal of this writ petition are as follows:-

a) The petitioner school, is a minority recognised primary School, in the result the teaching grant for the Teachers appointed and working in petitioner's school in the sanctioned post are to be paid from the fund or aid allotted by the Government.

b) While, so it seems that one Secondary Grade Teacher by name P.Leema Rose was appointed as Secondary Grade Teacher in a sanctioned post at the petitioner's school and the said appointment also was approved by the Competent Authority.

c. Subsequently, it seems that the respondent found that the said Teacher joined in the service, by submitting forged certificates with regard to her qualifications. In the mean while, the said Teacher had been working in the petitioner's school from 22.04.1998 till 05.06.2000 and thereafter, it seems that disciplinary action was taken and she was removed from the service.

3. Now the issue is, since the said Teacher worked in the petitioner's school from 1998 to 2000 was paid the salary, out of the aid given by the respondent's to the petitioner's School, by the impugned proceedings, dated 23.09.2003, the respondent had directed the petitioner's School to pay or remit the entire salary grant paid to the said Teacher for the period from 22.04.1998 to 05.06.2000.

4. Aggrieved over the said order of the respondent, dated 23.09.2003, the petitioner moved this writ petition with the aforesaid prayer.

5. Though, this writ petition has been pending for several years, when the matter is taken up for hearing today, Mr.P.Raja, learned Government Advocate appearing for the respondent has produced the Remittance Challan made by the said Teacher P.Leema Rose, through which, the said Teacher had paid back the entire salary she received for the said period between 1998 and 2000 for a sum of Rs. 1,53,414/- (Rupees one lakh fifty three thousand four hundred and fourteen only). By relying upon the said remittance Challan, the learned Government Advocate would submit that the entire teaching grants paid by way of salary to the said Teacher for the aforesaid period had been remitted by the Teacher and the same was remitted in the Government account at the Treasury.

6.The learned counsel appearing for the petitioner would submit that, first of all, the petitioner's school is not responsible to pay back the salary paid to the Teacher, because the Teacher was appointed on the bonafide impression and belief that she was a qualified person by verifying the certificates pertaining to her qualification produced before the Management of the petitioner's School. Moreover, based on the said appointment when the proposal was sent to the respondent, who was the Competent Authority to approve such appointment, that authority also had approved the appointment and with the strength of the said approval only, the Teacher worked in the petitioner's school for more than ten years.

7. Be that as it may. Now, the Teacher herself has come forward to remit the entire amount in the Government account and the same is evidenced from the remittance challan, dated 01.11.2018, copy of which has been produced by the learned Government Advocate, by taking the said payment on record, this Court feels that pursuant to the impugned order, nothing to be recovered from the petitioner's School.

8.In view of the above said developments, the very impugned order, either has been complied with or has become infructuous. Therefore, recording the said developments, this writ petition is dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

stm/vsi2

To

The District Educational Officer,
(Primary School),
Villupuram.

+ 1 cc to Mr.D.Nellaiappan, Advocate, S.R.No.76378

+ 1 cc to the Government Pleader, S.R.No.77057

W.P.No.38322 of 2003

KK(CO)
SSM(07/12/2018)