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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17694 of 2018

and

W.M.P. (MD) No.15579 of 2018

V.Ramakrishnan

... Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai 600 006.

2.The Joint Director of School Education,
(Higher Secondary) cum Appellate Authority,
Director of School Education,
Chennai 600 006.

3.The Chief Educational Officer,
Tallakulam, Madurai District 625 002.

4.The District Educational Officer,
Melur, Madurai District 625 106.

5.Sri Gopalakrishna Higher Secondary School,
Rep.by its Secretary cum Correspondent,
Sirudur, Madurai 625 014.

6.E.M.G.S.Arun Pothiraja

7.Annis Fathima

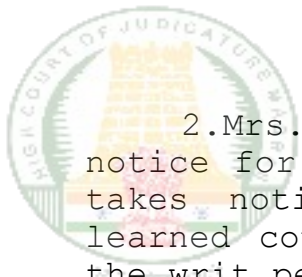
... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 5th respondent to allow the petitioner to pay him full salary with all the monetary and attendant benefits w.e.f.28.01.2018.

For Petitioner : Ms.Abisha Isaac for Isaac Chambers
For Respondents : Mrs.S.Srimathi, Spl.G.P.for R1 to 4
Mr.R.Maheswaran for R5
Mr.M.Thirunavukkarasu for R6

ORDER

The petitioner has come forward with the present Writ petition, seeking to issue a Writ of Mandamus, directing the 5th respondent to allow the petitioner to pay him full salary with all the monetary and attendant benefits w.e.f.28.01.2018.



2.Mrs.S.Srimathi, learned Special Government Pleader takes notice for the respondents 1 to 4, Mr.R.Maheswaran, learned counsel takes notice for the 5th respondent and Mr.M.Thirunavukkarasu, learned counsel takes notice for the 6th respondent. By consent, the writ petition itself is taken up for final disposal.

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3.When the matter is taken up for hearing, the learned counsel for the petitioner submitted that as there is mala fide act on the part of the fifth respondent, the petitioner has approached this Court with the present Writ petition. She further submitted that now the petitioner is ready and willing to join duty.

4.The learned counsel for the fifth respondent submitted that the fifth respondent / School is ready to allow the petitioner to join duty and he is entitled to get salary from the date of joining duty. He further submitted that fearing police action, the petitioner is avoiding to join duty.

5.In view of the submission made by the learned counsel for the petitioner and also the learned counsel appearing for the fifth respondent, the petitioner shall join duty in the fifth respondent / school and on resuming duty, he is entitled to get salary.

6.With regard to the absent period, the petitioner shall face the enquiry on the pending proceedings and based on the out come of such proceedings, his salary would be payable for such period.

7.The Writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Director of School Education,
College Road,
Chennai 600 006.

2.The Joint Director of School Education,
(Higher Secondary) cum Appellate Authority,
Director of School Education,
Chennai 600 006.

3.The Chief Educational Officer,
Tallakulam, Madurai District 625 002.



4.The District Educational Officer,
Melur, Madurai District 625 106.

+1CC to M/s.Isaac Chambers, Advocate, SR.No.78009

+1CC to Mr.G.Prabhu Rajadurai, Advocate, SR.No. 77936

+1CC to the Special Government Pleader SR.No. 78124

W.P.(MD)No.17694 of 2018
09.08.2018

NBJ

ES/SKN/RSK/SAR 3/04.09.2018/3P/8C