



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.08.2018
CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

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W.P. (MD) .No.17996 of 2018
and
W.M.P. (MD) .No.15877 of 2018

Arumugam

...Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli.
 2. The District Educational Officer,
Tenkasi,
Tirunelveli District.
 3. The Secretary,
Ramaswamipillai Higher Secondary School,
Ilanji, Tenkasi,
Tirunelveli District.
- ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus by directing the 1st and 2nd respondents to accept the proposal of the third respondent dated 11.01.2018 sent in connection with the petitioner's salary for his service being rendered as Head Master of the third respondent's school and consequently direct them to disburse the same.

For Petitioner	: Mr.R.Anand
For R1 & R2	: Mrs.S.Srimathy Special Government Pleader
For R3	: Mr.Niresh Kumar

ORDER

This Petition has been filed seeking to direct the 1st and 2nd respondents to accept the proposal of the third respondent dated 11.01.2018 sent in connection with the petitioner's salary for his service being rendered as Head Master of the third respondent's school and consequently direct them to disburse the same.



2. The case of the petitioner is as follows:-

The petitioner was working as a Head Master in the third respondent's school. The third respondent's school is an aided institution which comes under the provisions of the Tamil Nadu Private Schools Establishment Acts and Rules 1979.

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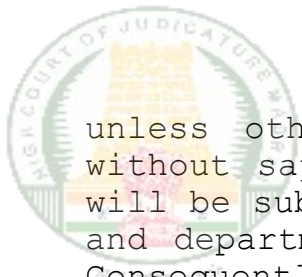
3. According to him, on 09.11.2017, the petitioner was falsely implicated in a case. The allegation in the First Information Report is that one Raju, who was working as a Tamil Teacher, has sexually abused a girl child. In the very same complaint, she further stated that the girl had already given a complaint about Raju to the Head Master and the Secretary of the school. But the Headmaster and the Secretary of the school had not taken any steps against Raju. Hence the petitioner and the accused were taken to custody. Thereafter, he was granted bail by the Sessions Court and as a result, the petitioner came out from the prison on 25.11.2017 and thereafter he was allowed to discharge his duties. But unfortunately, he has not been paid any salary. In this regard, on 11.01.2018, a proposal was sent to the District Educational Officer, Tenkasi, Tirunelveli District by the third respondent school. But the second respondent had returned the same on 23.01.2018, stating that the payment of salary would be decided only after getting instructions from the first respondent. Since the said proposal has not been considered, the petitioner is before this Court with the present Writ Petition.

4. When the matter was taken up for hearing, Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 and 2 would fairly submit that for the period in which the petitioner was in custody, he was not paid any wages or salary and for the remaining period, if the petitioner had rendered service, he is entitled for salary.

5. Mr.R.Anand, learned counsel appearing for the petitioner would submit that the petitioner is not demanding any wages for the period in which the petitioner was in custody and that the same would be decided depending upon the out come of the criminal proceedings and departmental proceedings, if any. The learned counsel appearing for the petitioner would further submit that, if the said proposal seeking wages is directed to be considered by the respondents 1 and 2, within a time frame, the petitioner would be satisfied.

6. Heard the learned counsel on either side.

7. Considering the facts and circumstances of the case, this Writ Petition is ordered directing the second respondent to pay the salary or wages for the services rendered excluding the period during which the petitioner was in custody. The arrears and wages, if not paid, shall be paid within a period of one month from the date of receipt of a copy of this order and the salary from the present month shall be paid periodically in the subsequent month,



unless otherwise the petitioner is not entitled to. It goes without saying that the petitioner's salary for the custody period will be subject to the outcome of the result in the pending criminal and departmental proceedings if any initiated / pending. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Chief Education Officer,
Tirunelveli.
2. The District Educational Officer,
Tenkasi, Tirunelveli District.

+1CC to Mr.R.Anand, Advocate, SR.No.79500

+1CC to the Special Government Pleader SR.No. 79936

W.P. (MD) .No.17996 of 2018
21.08.2018

TSG

ES/SKN/RSK/SAR 1/29.08.2018/3P/5C