



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.[MD]No.1065 of 2019

The Secretary,
S.S. Muthu Chettiar Memorial High School,
Unjampatti, Pandapuli Post,
Rajapalayam Taluk,
Virudhunagar District. : Appellant

Vs.

1.R.Subbiah

2.S.S.Muthu Chettiar Memorial High School,
Rep. by its Head Master,
Unjampatti, Pandapuli Post,
Rajapalayam Taluk,
Virudhunagar District.

3.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

4.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P.[MD]No.17433 of 2016 dated 21.02.2019 and dismiss the writ petition on the file of this Court.

Prayer in WP(MD) . 17433/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to take action on the petitioners representation dated 31.08.2015 to pass orders to disburse the monthly salary from 25.03.2013 to 24.09.2014 and the consequently the increment within a time to be stipulated by this Honble Court.



For Appellant : Mr.K.K.Kannan
For Respondent No.1 : Mr.A.Sivaji
For Respondents 3&4 : Mrs.S.Srimathy
Special Government Pleader

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JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

By consent, the Writ Appeal is taken up for final disposal at the admission stage itself.

2.Heard Mr.K.K.Kannan, learned Counsel appearing on behalf of the appellant, Mr.A.Sivaji, learned Counsel appearing on behalf of the first respondent and Mrs.S.Srimathy, learned Special Government Pleader appearing on behalf of respondents 3 and 4.

3.This appeal by the Secretary of S.S.Muthu Chettiar Memorial High School, is directed against the order passed in W.P.[MD] No.17433 of 2016 dated 21.02.2019. The said writ petition was filed by the first respondent herein to direct the appellant to take action on the first respondent's representation dated 31.08.2015 and pass orders and disburse the monthly salary from 25.03.2013 to 24.09.2019.

4.No doubt, the writ petition was disposed of at the admission stage, without notice to the appellant. Nevertheless, we find that the direction issued to the appellant in the writ petition cannot in any manner be interfered. No doubt, the writ petition was disposed of on 21.02.2019 and the appellant cannot say at this point that they are aggrieved by the direction issued in the writ petition. This is so because the appellant management is bound to furnish particulars relating to all the teaching and non-teaching staff in the institution periodically to the department to enable them to release the grant-in-aid.

5.Admittedly, the appellant institution has been brought under the direct payment by the Department. Furthermore, the institution has been closed. The appellant cannot refuse to obey the direction issued in the writ petition on the ground raised in this appeal before us. The direction issued can in no manner be stated to be prejudicial to the interest of the appellant. Therefore, the appellant should comply with the direction issued in the writ petition.

6.It is the submission of Mr.K.K.Kannan, learned Counsel that at no point of time, the appellant has refused to send particulars regarding the teacher concerned, but it is the fact that the particulars given by the appellant was not received by the



department. This issue need not be adjudicated by us because there is a duty cast upon the management to furnish the particulars to the department periodically so that the grant-in-aid may be granted by the department.

7. Accordingly, the writ appeal is dismissed with a direction to the appellants to comply with the direction issued in the writ petition within a period of two [2] weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.K.K.KANNAN, Advocate SR-94177.
+1 CC to M/s.A.SIVAJI, Advocate SR-94603.
+1 CC to SPL GP SR-94678.

Judgment made in

W.A. [MD]No.1065 of 2019

Dated: **24.10.2019**

CS(11.11.2019) 3P 6C