



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.19290, 19293, 19295, 19297, 19301 of 2019

and

Connected Miscellaneous Petitions

WMP 1512 of 2019,15715,15719,15721 and 15724 of 2019

W.P(MD)No.19290 of 2019

J.Gowri	... Petitioner in WQP No.19290 of 2019
Dhanabal	... Petitioner in WP(MD). 19293/ 2019
V.Vivekananthan	... Petitioner in WP(MD). 19295/ 2019
Navamani	... Petitioner in WP(MD). 19297/ 2019
S.Arularasi	... Petitioner in WP(MD). 19301/ 2019

Vs.

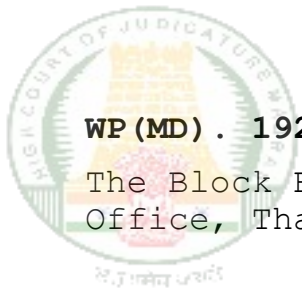
- 1.The Chief Educational Officer,
Thanjavur District,
Thanjavur.
- 2.The District Educational Officer,
Thanjavur,
Thanjavur District. ...1 and 2 respondents in all Wps.
- 3.The Block Educational Officer, Unit-II,
Office of the Block Educational Office,
Thanjavur Rural,
Thanjavur.
- 4.The Correspondent,
T.K.Subbaiah Naidu Aided Middle School,
Nanayyakarar Chetty Street,
Thanjavur. ... 4th Respondent

WP (MD) . 19293/ 2019:

The Block Educational Officer, Unit II, Papanasam, Thanjavur

The Secretary Kassimia Dawood Middle School, Rajagiri, Thanjavur

...3rd and 4th Respondents in WP(MD). 19293/ 2019



WP (MD) . 19295/ 2019:

The Block Educational Officer, Unit II, O/o. the Block Educational Office, Thanjavur Rural, Thanjavur

The Correspondent,

Sri Shanmugha Vidyasala Primary School, Thanjavur ... 3rd and 4th
Respondents in WP(MD). 19295/ 2019

WP (MD) . 19297/ 2019:

The Block Educational Officer, Unit I, Papanasam, Thanjavur

The Correspondent St. Sebastiar Middle School, Papanasam, Thanjavur
...3rd and 4th Respondents in WP(MD). 19297/ 2019

WP (MD) . 19301/ 2019:

The Block Educational Officer, Unit 11, Papanasam,
Thanjavur District

The Secretary Kassimia Dawood Middle School, Rajagiri,
Thanjavur District ... 3rd and 4th Respondents in WP(MD). 19301/
2019

COMMON PRAYER: This Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the petitioner salary from June 2019 onwards on the basis of the petitioner representation, dated 22.08.2019 within the time stipulated by this Court.

For Petitioner in all WPs	: Mr.B.Jameel Arasu
For Respondents	: Mrs.S.Srimathy,
in all WPs	Special Government Pleader

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, a common order is passed.

2.Mrs.S.Srimathy, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioners, their educational



qualifications are M.A., B.Ed., and B.Sc., B.Ed., and they were appointed as Secondary Grade Teacher in the fourth respondent School on 02.03.1998, 13.03.1997, 04.12.1997, 19.04.1998 and 09.12.1997 respectively. Their services were regularised from the date of their initial appointment as per the guidelines issued in G.O.Ms.No.155, School Education (D2) Department, dated 3.10.2002. In the said Government Order, monetary benefits from the date of initial appointment, were ordered. Number of writ petitions were filed, claiming monetary benefits from the date of initial appointment and this Court allowed all the writ petitions. The respondents have paid the monetary benefits. The petitioners filed writ petitions in W.P(MD)Nos.24 to 27 of 2015, claiming regularisation of their services from the date of initial appointment with monetary benefits. The respondents paid the monetary benefits from the date of initial appointment subject to the result of the writ petitions filed by the writ petitioners. The Division Bench of this Court upheld the Government Order in G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002, in a Public Interest Litigation. In view of the same, all the writ petitions filed by the writ petitioners were dismissed. On dismissal of the writ petitions, the respondents issued proceedings for recovery of the entire amount paid to the petitioners. The petitioners filed another writ petitions in W.P(MD)No.6420, 6422, 16405, 16408 and 16410 of 2019, challenging the order of recovery. This Court in a batch of writ petitions, granted interim stay and subsequently, interim order was extended until further orders. In spite of the interim orders, the respondents issued the recovery proceedings, dated 24.06.2019, directing the petitioners to pay the excess amount paid to them. Subsequently, from June 2019 onwards, the respondents have not paid the salary to the petitioners. Hence, they have filed these writ petitions.

3.Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents contended that the petitioners are not entitled to get monetary benefits as per G.O.Ms.No.155, School Education (D2) Department, dated 3.10.2002 and the writ petitions filed by the similarly placed persons were dismissed and G.O.Ms.No.155 was upheld by the Division Bench of this Court. In view of the same, recovery order was issued and hence, the petitioners are not entitled for monetary benefits.

4. From the materials referred to above, it is seen that this Court in a batch of writ petitions granted interim stay of recovery of excess amount paid to the petitioners and others. In view of the interim orders granted by this Court in W.P(MD)No.6420, 6422, 16405, 16408 and 16410 of 2019, the respondents are not entitled to recover the excess amount. Further, the respondents have no power to withhold the entire salary.

5. With the above observations, all these writ petitions are



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allowed. No costs. Consequently, connected miscellaneous petitions
ar

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Chief Educational Officer,
Thanjavur District,
Thanjavur.

2.The District Educational Officer,
Thanjavur,
Thanjavur District.

3.The Block Educational Officer, Unit-II,
Office of the Block Educational Office,
Thanjavur Rural,
Thanjavur.

+5 CC to M/s.B.JAMEEL ARASU, Advocate (SR-85498[F] dated 06/09/2019
) ,85497,85496,85495,85494

+1 CC to M/s.SPL GP (SR-85650[F] dated 06/09/2019)

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_KK/SAR/10.09.2019/4P-10C/