



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 22.07.2019

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P(MD)No. 10986 of 2014

P. Mangayarkarasi

... Petitioner

Vs.

1.The District Elementary Educational Officer  
Tirunelveli  
Tirunelveli District

2.The Assistant Elementary Educational Officer  
Ambasamudaram  
Tirunelveli District

3.The Secretary  
Perumal Thevar Memorial Elementary School  
Kakanallur  
Ambasamudaram  
Tirunelveli District

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to regularize the period of suspension with all monetary and service benefits based on the petitioner's representation dated 10.09.2013

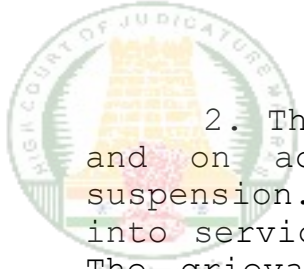
For Petitioner : Mr.F.Deepak

For Respondents  
No.1 &2 : Mrs.S.Srimathy  
Special Government Pleader

No.3 : Mr.R.Anand

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to regularize the period of suspension of the writ petitioner with all monetary and service benefits based on the representation dated 10.09.2013.



2. The writ petitioner was working as Secondary Grade Teacher and on account of certain allegations, she was placed under suspension. However the writ petitioner was subsequently reinstated into service and she is serving in the third respondent/ school. The grievance of the writ petitioner is that the period of suspension has not been regulated, so as to get the monetary and other benefits.

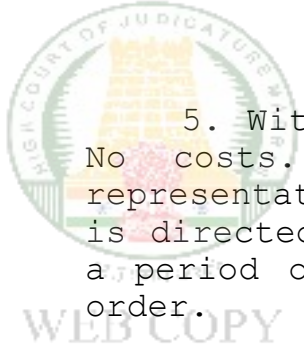
3. The learned Special Government Pleader appearing on behalf of the respondent states that the writ petitioner is not entitled for grant- in- aid in respect of the salary to be paid to be paid during the period of suspension. Neither a proper approval has been obtained from the competent educational authorities nor a permission was obtained. Therefore the period of suspension cannot be regulated by the educational authorities and the salary due ought to have been paid by the third respondent/Management to the writ petitioner. In respect of the cases where no proper approval has been obtained from the competent educational authorities, the arrears of salary, if any, has to be paid to the employee must be disbursed by the management of the respective school and not by the Department. It is relevant to extract para.4 and 6 of the counter in this regard:

"4. Further I submit that the third respondent has passed the 2<sup>nd</sup> order of suspension for a period of one month on 07.11.2011 without obtaining any permission form the Educational authorities. Further on 13.12.2011 the respondent has given another order of suspension stating that the writ petitioner kept under suspension till the department enquiry is over. The period of secretary ship is over on 30.11.2011 the third respondent has not obtain any permission from the education authorities to renew the same and hence challenging the order of the third respondent placing the petitioner under continued suspension was quashed by this Honourable Court in W.P 1056/12. Thereafter she was reinstated in service by an order of the 1<sup>st</sup> respondent dated 15.06.2013 in Na.Ka.1196/A5/2012.

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6. Further I submit that now the school is under the direct payment of the 1<sup>st</sup> and 2<sup>nd</sup> respondent. The writ petitioner was suspended and extended her suspension period by the third respondent Management without getting to permission from Education authorities. Hence the 3<sup>rd</sup> respondent Management along bound and duty to pay the service of benefit in the period of 07.11.2012 to 19.03.2013".

4. This being the factum of the case, the writ petitioner is at liberty to approach the third respondent for the purpose of disbursement of the arrears of salary to be paid during the period of suspension and for all other consequential benefits. The third respondent is directed to consider the case of the writ petitioner in the event of submitting any representation by the writ petitioner in this regard.



5. With these observations, the writ petition is disposed of. No costs. If the writ petitioner has submitted any such representation to the third respondent/ Management, the management is directed to consider the same and pass appropriate orders within a period of 12 weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Elementary Educational Officer  
Tirunelveli  
Tirunelveli District

2.The Assistant Elementary Educational Officer  
Ambasamudaram  
Tirunelveli District.

+1 CC to M/s.F.DEEPAK, Advocate ( SR-76796[F] dated 23/07/2019 )

+1 CC to M/s.SPL GP ( SR-76931[F] dated 23/07/2019 )

W.P[MD) ]No.10986 of 2014  
22.07.2019

aav/ns

JM/02.08.2019/3P-5C