



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14617 of 2014

and

M.P. (MD) No.2 of 2014

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M.Mohamed Ali

... Petitioner

vs.

1.The State of Tamil Nadu
rep.by its Secretary to Government
Education Department
Fort St.George
Chennai-600 009

2.The Director of School Education
College Road
Chennai-600 006

3.The District Educational Officer
Thirunelveli Educational District
Thirunelveli
Thirunelveli District

4.The Correspondent
The Muslim Higher Secondary School
Melapalayam
Thirunelveli District-627 005

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the order passed by the 3rd respondent dated 08.08.2012 in his OO.Mu.No.2803/A5/2012 and quash the same and to direct the respondents 1 to 3 to pay the salary for the period from 31.03.1998 to 01.06.2003 to the petitioner and to pay the other benefits namely selection grade etc.

For Petitioner : Mr.A.S.Mujibur Rahman

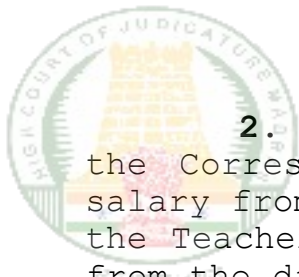
For Respondents : Mrs.S.Srimathy

Special Government Pleader for R1 to R3

No appearance for R4

O R D E R

The order, dated 08.08.2012, passed by the third respondent is sought to be quashed.



2. The impugned order states that the proposal received from the Correspondent of the School was considered and the claim of salary from the date of initial appointment cannot be considered and the Teachers are eligible to get Government salary only with effect from the date of approval of appointment.

WEB COPY

3. In the present case on hand, the fourth respondent appointed the writ petitioner on 31.03.1998. However, the approval of appointment was granted with effect from 02.06.2003. In view of the fact that the appointment of the writ petitioner was approved with effect from 02.06.2003, the writ petitioner is entitled to get the Government salary only with effect from the date of approval and in respect of the earlier service, the School Management is liable to pay the management salary to the writ petitioner. However, in respect of the similar issue, the Honourable Division Bench this Court has passed an order, dated 21.03.2018 in W.A.Nos.74 of 2015 and 957 of 2016.

4. In view of the fact that salary has already been paid in favour of the writ petitioner with effect from the date of the approval of the appointment, the writ petitioner cannot claim any Government salary for the period during which he served in the School without any approval. Thus, the writ petitioner is at liberty to claim salary from the Management for the period during which he served as unapproved Teacher.

5. This being the factum, there is no infirmity in respect of the impugned order passed. Accordingly, the writ petition is disposed of with a direction that in the event of any claim is set out by the writ petitioner, the same is to be considered fourth respondent forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.



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

3. The District Educational Officer,
Thirunelveli Educational District,
Thirunelveli,
Thirunelveli District.

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