



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2020

CORAM:

**THE HON'BLE MR.A.P.SAHI, THE CHIEF JUSTICE
and**

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No.771 of 2011

and

M.P. (MD) No.2 of 2011

K.Rossy Anne Florence ... Appellant / Petitioner

-vs-

1.The District Educational Officer
Thallakulam
Madurai

2.St.Joseph Girls Higher Secondary School,
Rep. by its Correspondence,
Old Koripalayam Road,
Madurai 9

... Respondents / Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 11.02.2011, passed in W.P.(MD) No.5713 of 2006, on the file of this Court.

Prayer in WP(MD). 5713 of 2006 :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner in the approved post of B.Ed Assistant in the 2nd respondent School in time scale pay.

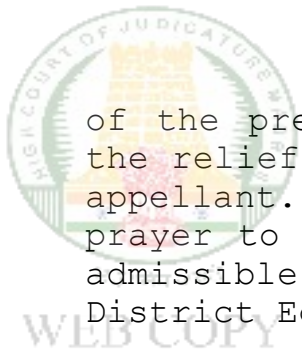
For Appellant : Mr.M.Suresh Kumar

For Respondents : Ms.S.Srimathy
Special Government Pleader for R1
Mr.S.Xavier Rajini
For M/s.Isaac Chambers for R2

J U D G M E N T

[Delivered by the Hon'ble CHIEF JUSTICE]

Heard Mr.Mr.M.Suresh Kumar, learned counsel appearing for the appellant, who has very fairly invited the attention of this Court to the relief prayed for and has urged that keeping in view



of the present age of the appellant, an appropriate writ as per the relief prayed for cannot be issued to satisfy the claim of the appellant. But, he submits that the appellant now confines her prayer to the balance amount of salary which has been accepted as admissible in Paragraph No.3 of the counter affidavit of the District Educational Officer.

2. Paragraph No.3 of the said counter affidavit is reproduced herein under:

"3. It is respectfully submitted that the bill for the payment of salary to the Petitioner for the period from 03.06.2005 to 31.05.2006 has been received in the office of the First Respondent and the bill is in process for payment after presenting the bill at Pay and Accounts Office, Madurai. The Petitioner will be paid her salary after the receipt of cheque from the Pay and Account Office, Madurai, though the correspondent of the Respondent II school."

3. Learned counsel for the School however submits that the appellant has received her salary upto 19th of April 2006 and it is only for the period from 20th April 2006 upto 31st May 2006, which has been retained that too even on account of the pendency of the present proceedings.

4. Having perused Paragraph No.3 of the counter affidavit filed on behalf of the Institution, we are satisfied that the ends of justice would be met if the appellant's salary is released as admitted by the District Educational Officer in Paragraph No.3 of the counter affidavit and as very fairly pointed out by the learned counsel for the respondent School. We therefore dispose of this appeal without interfering with the impugned Judgment, but with a direction that the respondent School shall disburse the salary to the appellant for the period from 20th April 2006 upto 31st May 2006, within a period of one month from today. The Writ Appeal stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

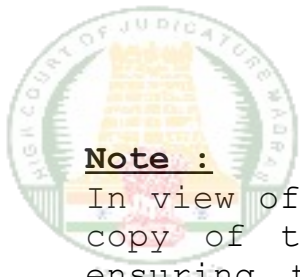
Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The District Educational Officer,
Thallakulam,
Madurai.

+1 CC to M/s.M. SURESH KUMAR, Advocate (SR-20241[F] dated
15/10/2020)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-20245[F] dated
15/10/2020)

W.A. (MD) No.771 of 2011

and

M.P. (MD) No.2 of 2011

14.10.2020

PM(CO)

TR(21.10.2020) 3P 4C