



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) .No.15527 of 2013

M.Balaiya

... Petitioner

-Vs-

1.The District Educational Officer,
Sivagangai District, Sivagangai.

2.The Secretary,
Ulagamatha Higher Secondary School,
Sakkur, Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to pay the salary arrears of the petitioner for the period from 20.03.2009 to 28.12.2011.

For Petitioner : Mr.M.Gnanagurunathan

For R1 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For R2 : No Appearance

ORDER

The writ petitioner was appointed in proceedings, dated 20.03.2009 by the second respondent in Ulagamatha Higher Secondary School, Sakkur. The petitioner was appointed as B.T. Assistant. The second respondent is an aided school. The petitioner was appointed in a regular vacancy with the permission of the competent authorities of the education department. However, no salary was paid to the writ petitioner. The appointment of the writ petitioner was not approved by the authorities. Thus, the writ petitioner was forced to work in the school without any salary for more than two years. Considering the family circumstances of the writ petitioner, the second respondent had agreed to pay a sum of Rs.2000/- per month from September 2009 and deduct the said salary after the approval of the appointment of the petitioner by the competent authorities. Even the said amount had not been paid, subsequently the petitioner was appointed in Government school as B.T. Assistant. Thereafter, he submitted a representation to the second respondent to settle the salary for the period in which, he work from 20.03.2009 to 28.12.2011. In spite of several representations, the second respondent has not taken any steps to settle the salary to the writ



petitioner for the period of services rendered by him i.e. for two years and nine months. Thus, the writ petitioner is constrained to file the present writ petition.

2.The learned Additional Government Pleader appearing on behalf of the first respondent made a submission that the appointment of the writ petitioner was not approved by the competent authorities and subsequently, the writ petitioner was appointed in Government school. Thus, the second respondent/management has to pay the salary for the period, in which, the petitioner worked as B.T. Assistant. The second respondent school is an aided school.

3.This being the factum, the second respondent is directed to pay the management salary to the writ petitioner for the period of services rendered by him from 20.3.2009 to 28.12.2011 within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent/District Educational Officer is directed to ensure that the applicable management salary for the post of B.T. Assistant for the period of services rendered by the petitioner is settled in favour of the writ petitioner and in the event of not settling the salary, the first respondent is directed to initiate all further actions against the school under the provisions of the Act. 4.With these directions, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1 The District Educational Officer,
Sivagangai District, Sivagangai.

2.The Secretary,
Ulagamatha Higher Secondary School,
Sakkur, Sivagangai District.

+1 CC to M/s.Special Govt.Pleader (SR-20147[F] dated 15/10/2020)

+1 CC to M/s.M. GNANAGURUNATHAN, Advocate (SR-20114[F] dated 15/10/2020)

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sjj

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