



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.6231 of 2012

and

M.P (MD)No.1 of 2012

WEB COPY

G.Arunothaya Selvi

... Petitioner

Vs.

1.The District Elementary
Educational Officer,
Tirunelveli District,
Tirunelveli.

2.The Assistant Elementary
Educational Officer,
Vasudevanallur,
Tirunelveli District.

3.The Secretary,
Suyambulingam Primary School,
T.N.Pudugudi, Puliangudi,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's salary from the month of June 2009 to till date along with arrears of salary and all other service and monetary benefits with interest.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.J.Gunaseelan Muthiah
(R1 & R2) Additional Government Pleader

For Respondent-3 : Mr.C.Jeganathan

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to disburse the petitioner's salary and all other service and monetary benefits with interest.

2. The grievances of the writ petitioner is that the petitioner was working as Secondary Grade Teacher in the 3rd respondent School, which is an aided Institution. The petitioner states that from the month of June 2009 nearly 35 months the petitioner has not been given salary.



3. This Court is of the considered opinion that the 3rd respondent is an aided Institution. Thus, the petitioner has to exhaust the remedy provided under the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973. When an alternate remedy is available under the Statute, no writ petition is entertainable. Exhausting of the statutory remedy is paramount importance before approaching the High Court under Article 226 of the Constitution of India. Only on exceptional circumstances, the appeal remedy can be dispensed with and not otherwise. This being the factum, the petitioner is at liberty to approach the competent authority under the provisions of the statute for the redressal of the grievances and by following the procedures.

4. With these liberties, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

To

1.The District Elementary
Educational Officer,
Tirunelveli District,
Tirunelveli.

2.The Assistant Elementary
Educational Officer,
Vasudevanallur,
Tirunelveli District.

+1 CC to M/s Veera Associates ,in SR.No.25929.

+1 CC to Special Government Pleader SR.No.26009.

W.P. (MD)No.6231 of 2012

16.12.2020

(SV2) CO

AP(04/01/2021) 2P 5C