



WEB COPY

W.A(MD)Nos.1035 to 1037 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.A(MD)Nos.1035 to 1037 of 2020

and

C.M.P(MD)No.5653 to 5655 of 2020

1. The Correspondent,
Purushothaman Pillai Memorial,
Higher Secondary School,
Anducode and Post - 629168,
Kanyakumari District.

2.V.R.Sajikumar .. Appellants in all the three Writ Appeals

Vs.

J.Vimal Edward Dhas ..Respondent No.1 in W.A(MD)No.1035 of 2020

K.Sunil Kumar ..Respondent No.1 in W.A(MD)No.1036 of 2020

B.Sheela Babu ..Respondent No.1 in W.A(MD)No.1037 of 2020

2. The State of Tamil Nadu,
Represented by it's Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.

3. The Director of School Education,
College Road, Chennai.

4. The Chief Educational Officer,
Kanyakumari District,
Nagercoil.

5. The District Educational Officer,
Thiruvattar, Office at Marthandam,
Kanyakumari District.

... Respondent Nos. 2 to 5 in all the three Writ Appeals

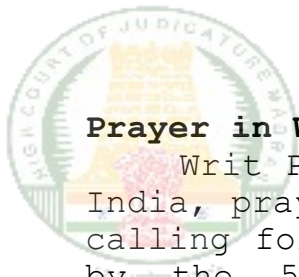
C.Subi Kumar .. Respondent No.6 in W.A(MD)No.1035 of 2020

T.Shibu .. Respondent No.6 in W.A(MD)No.1036 of 2020

C.Subi Kumar .. Respondent No.6 in W.A(MD)No.1037 of 2020

COMMON PRAYER: The Writ Appeals are filed under Clause 15 of Letters Patents, to set aside the common interim order passed in W.P(MD) Nos. 71098, 71099 and 7213 of 2020, dated 03.07.2020.

<https://hmc.judges.gov.in/cases>



Prayer in WP(MD)No. 7188/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 5th respondent herein in No. PPM/C/Rs/214/2019 dated 01.11.2019 and the subsequent proceedings issued by the 5th respondent herein in No. PPM/C/Rs/228/2019 dated 21.12.2019 and No. PPM/C/Rs/240/2020 dated 26.02.2020 and No. PPM/C/Rs/249/2020 dated 19.03.2020 and No. PPM/C/Rs/251/2020 dated 28.04.2020 quash the same, and further direct the respondents herein to disburse salary and other attendant benefits attached to the post of Post Graduate Assistant (Physics) in the 5th respondent-school from January 2020 onwards to the petitioner herein.

Prayer in WP(MD)No.7270/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 5th respondent herein in No. PPM/C/Ve/227/2019 dated 21.12.2019 and No. PPM/C/Ve/241/2020 dated 26.02.2020 and No. PPM/C/Ve/252/2020 dated 28.04.2020 and the subsequent proceedings issued by the 5th respondent herein in PPM/C/Ve/262/2020 dated 09.06.2020 quash the same, and further direct the respondents herein to disburse salary and other attendant benefits attached to the post of Physical Education Teacher in the 5th respondent-school from January 2020 onwards to the petitioner herein.

Prayer in WP(MD)No.7213/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleaded to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of a Writ calling for the records relating to the impugned proceedings issued by the 5th respondent herein in No. PPM/C/Ms/226/2019 dated 21.12.2019 and No.PPM/C/Ms/242/2020 dated 26.2.2020 and No.PPM/C/Ms/253/2020 dated 28.4.2020 and the subsequent proceedings issued by the 5th respondent herein in PPM/C/Ms/261/2020 dated 9.6.2020 Quash the same and further Direct the respondents herein to disburse salary and other attendant benefits attached to the post of Physical Education Teacher in the 5th respondent School from January 2020 onwards to the petitioner herein.

For Appellants	: Mr.Veera Kathiravan, Senior Counsel for Mr.M.P.Hariprasad
For Respondent No.1	: Mr.E.N.Siva
For Respondent Nos.2 to 5	: Mrs.S.Srimathy, Special Government Pleader



COMMON JUDGMENT

[Judgment of the Court was delivered by **N.KIRUBAKARAN, J.**]

These Writ Appeals are filed as against the interim order, dated 03.07.2020, passed in W.P(MD)Nos.7188, 7270 and 7213 of 2020, wherein, the learned Single Judge directed the Government to pay two months salary to the writ petitioners and directed the School to pay the salary to the writ petitioners for the remaining period. Aggrieved over the same, the present Writ Appeals are filed by the School.

2.Heard the respective learned Counsel appearing for the parties on either side.

3.When the matter has been taken up for hearing today, Mrs.Srimathy, learned Special Government appearing for respondent Nos. 2 to 5, submitted that the Government has already paid two months salary to the writ petitioners and the balance two months salary shall be paid to the writ petitioners by the appellants / School. She further submitted that these Writ Appeals are filed by the appellants, only as against the direction to pay the two months salary to the writ petitioners. Moreover, they have also filed a vacate stay application, against the order of interim stay granted in the writ petitions and now the matter is ready for disposal before the Writ Court.

4.In view of the above submission, the appellants are directed to pay the salary to the writ petitioners as directed by this Court by the interim order dated 03.07.2020, within a period of one week from the date of receipt of a copy of this judgment.

5.Considering the fact that these Writ Appeals are filed as against the interim order, dated 03.07.2020 and considering the vacate stay application filed before the Writ Court, these Writ Appeals are dismissed, with a request to the learned Single Judge to dispose of the Writ Petitions in W.P(MD)Nos.7188, 7270 and 7213 of 2020, as expeditiously as possible. No Costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk



To

1. The Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai.
3. The Chief Educational Officer,
Kanyakumari District,
Nagercoil.
4. The District Educational Officer,
Thiruvattar @ Marthandam,
Kanyakumari District.

Copy to: The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai. (WP.Nos.7188, 7270 & 7213/2020)

+1 CC to Mr.M.P.HARI PRASAD, Advocate SR-24339.
+1 CC to the Spl GP SR.No.24090 & 24091.

W.A (MD) Nos.1035 to 1037 of 2020

04.12.2020

PK (CO)
CS (21.12.2020) 4P 8C