



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.13935 of 2014

and

M.P. (MD)Nos.1, 2 and 4 of 2014

WEB COPY

J.Suyambulingam

... Petitioner

Vs.

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

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

3.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

4.G.Arunothaya Selvi

5.G.Wilson

... Respondents

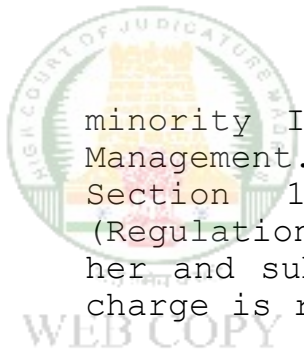
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the order passed by the first respondent in Roc.No.1445/A4/2014 dated 31.07.2014 and the order passed by the second respondent in Roc.No.128/R1/2014, dated 22.07.2014 quash the same and consequently direct the respondents 1 to 3 not to take action as per the direction of the 5th respondent.

For Petitioner	:	Mr.C.Jeganathan For M/s.Veera Associates
For R1 To R3	:	Mr.J.Gunaseelan Muthiah Additional Government Pleader
For R4	:	Mr.P.Saravanakumar
For R5	:	Mr.P.Santhosh Kumar

O R D E R

The Writ Petitioner, at the time of filing of the Writ Petition, was functioning as the Secretary of the Educational Agency of Suyambulingam Primary School, T.N.Pudukudi, Puliangudi, Tirunelveli District, which is a minority Educational Institution and being administered in terms of the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973.

2. The 4th respondent Smt.G.Arunothaya Selvi was appointed as Secondary Grade Teacher in the petitioner's School. The petitioner states that the 4th respondent was frequently causing problems to the



minority Institution, by intervening into the Administration and Management. Thus, she was placed under suspension in terms of Section 16 of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974. A chargememorandum was issued against her and subsequently, she was reinstated into service. One of the charge is refusal to receive salary.

3. The 4th respondent filed a Writ Petition in W.P.No.23002 of 2010 before the Principal Seat, which is still pending. Another Writ Petition was also filed in W.P.(MD)No.5988 of 2009, seeking a direction to dispose of her representation and the said direction was complied with by the Director of Elementary Education. The 4th respondent has filed several writ petitions. The 4th respondent demanded payment of salary and the Management found that she was not working continuously. The main grounds raised in the Writ Petition is that official respondents have not applied their mind and passed an order in proceedings dated 22.07.2014 stating that the salary due to the 4th respondent Tmt.G.Arunothaya Selvi is to be released.

4. This Court of the considered opinion that admittedly, there was a dispute between the Management and the 4th respondent Teacher. The 4th respondent / Teacher filed a Writ Petition and approached the Educational Authority for redressal of her grievances. The order impugned dated 22.07.2014 states that as per Section 34 of the Private School Regulations Act and the Government Orders issued in G.O.Ms.No.1267, Education, dated 10.09.1990 and G.O.(Ms).No.238 School Education Department dated 26.05.1997, the teacher is entitled for salary for the period she had served. On verification, the 2nd respondent, Assistant Elementary Educational Officer, passed the order stating that the salary is to be released.

5. The Management may not have any objections in this regard, in view of the fact that the Educational Authority passed the order stating that the 4th respondent is eligible to draw salary for the period she served and the same cannot be denied at all. Thus, the petitioner, who was the Secretary of Suyambulingam Primary School, filed the Writ Petition in his personal capacity that itself is not appreciable. However, the salary for the period the teacher served cannot be denied and accordingly, there is no infirmity as such the order impugned. Thus, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AD-II)

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/ /2021

Sub Assistant Registrar(CS)



To

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

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

3.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

+1 CC to Mr.C.Jeganathan for Veera Associates ,Advocate,in
SR.No.25927.

W.P. (MD) No.13935 of 2014
16.12.2020

(SV2) CO

AP(04/01/2021) 3P 5C