



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

W.P. (MD) No.8607 of 2021

C.Juda Christian

... Petitioner

-Vs-

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

2.The Block Educational Officer,
Ilayankudi Taluk,
Sivagangai District.

3.The Correspondent,
C.S.I.Primary School,
Kilanjunai,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to disburse the salary of the petitioner for the post of Secondary Grade Assistant Teacher from the date of appointment i.e., 16.06.2018 by considering the representation of the petitioner, dated 31.03.2021, made to the first respondent.

For Petitioner : Mr.C.Fernandas Rathinaraja

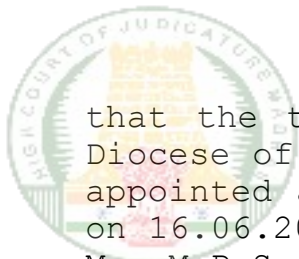
For R1 to R3 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

This Writ Petition is filed to direct the first respondent to disburse the salary of the petitioner for the post of Secondary Grade Assistant Teacher from the date of appointment i.e., on 16.06.2018 by considering the representation of the petitioner, dated 31.03.2021, made to the first respondent.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The learned counsel appearing for the petitioner submitted
<https://hcservices.ecourts.gov.in/hcservices/>



that the third respondent School is a minority institution run by Diocese of Madurai-Ramnad, Church of South India. The petitioner was appointed as Secondary Grade Teacher in the third respondent School on 16.06.2018 in the sanctioned vacancy arose due to transfer of one Mrs.M.P.Sugirtha. According to the petitioner, his appointment was approved by the first respondent, vide order dated 12.07.2019, in Na.KA.No.0845/A2/2019. The learned counsel for the petitioner further submitted that though the appointment of the petitioner was approved by the first respondent, he was not paid with salary till date. The Management has also submitted a representation to the first respondent on 11.02.2020, seeking disbursement of salary. Thereafter, the petitioner has been allotted with contributory pension scheme number in C.P.S.No.8001008383 and issued with identity card by the educational department. Therefore, the petitioner has sent a representation, dated 31.03.2021 to the first respondent seeking disbursement of salary. Since the first respondent, has not passed any orders on the representation till date, the petitioner has come out with the present writ petition.

4. Though various averments have been made in the writ petition, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that if a direction is issued to the first respondent to consider the representation, of the petitioner, dated 31.03.2021, it would suffice.

5. It is an admitted fact that the petitioner was appointed in the sanctioned vacancy and his appointment was approved by the first respondent vide proceedings, dated 12.07.2019. In spite of the approval of appointment, the petitioner was not paid with salary.

6. Considering the facts and circumstances of the case and also considering the nature of relief sought for by the petitioner in the writ petition, without going into the merits of the matter, it is suffice to direct the first respondent to consider the representation of the petitioner, dated 31.03.2021, in the light of the approval order in No.Na.KA.No.0845/A2/2019 dated 12.07.2019, and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

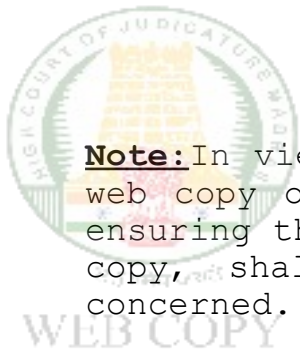
Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

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

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

2.The Block Educational Officer,
Ilayankudi Taluk,
Sivagangai District.

+1 CC to M/s.C.FERNANDEZ RATHINA RAJA, Advocate (SR-17791[F] dated 28/04/2021)

+1 CC to M/s.SPL GP (SR-17921[F] dated 28/04/2021)

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AS(24.05.2021) 3P 5C