



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Fifteenth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mrs.Justice S.ANANTHI

CMP (MD) No.4769 of 2021

IN

WA (MD) No.1070 of 2021

1 THE CORRESPONDENT,
PURUSHOTHAMAN PILLAI MEMORIAL,
HIGHER SECONDARY SCHOOL,
ANDUCODE AND POST 629 168,
KANYAKUMARI DISTRICT.

2 DR.V.R.SAJIKUMAR

... PETITIONERS/ APPELLANTS

Vs

1 J.VIMAL EDWARD DHAS

2 THE STATE OF TAMILNADU
REP.BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI 600 009.

3 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI 600 006

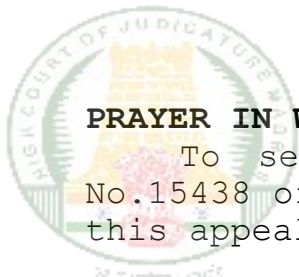
4 THE CHIEF EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT, NAGERCOIL.

5 THE DISTRICT EDUCATIONAL OFFICER,
THIRUVATTAR, OFFICE AT MARTHANDAM,
KANYAKUMARI DISTRICT.

6 C.SUBI KUMAR

... RESPONDENTS/ RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Stay the operation of the order passed by this Hon`ble Court in W.P.(MD).NO.15438 of 2020, dated 05.03.2021, pending disposal of the above Writ Appeal.



PRAYER IN WA(MD) No.1070 of 2021:

To set aside the order dated 05.03.2021 passed in W.P(MD) No.15438 of 2020 on the file of this Hon'ble Court and thereby allow this appeal.

PRAYER in W.P(MD) No.15438 of 2020: Petitions filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the fifth respondent herein in Nos.PPM/C/Ve/273/2020 dated 09.09.2020 and quash the same and further to direct the respondents herein to reinstate the petitioners into service as Physical Education Teacher in the fifth respondent school from 09.09.2020 onwards with salary and other attendant benefits.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.J.ANANDHAVALLI, Advocate for the petitioner and of Mr.E.V.N.SIVA, Advocate for the 1st Respondent and Mr.R.BASKARAN, Standing Counsel for Government for the respondents 2 to 5, While admitting the Writ Appeal, the court made the following order:-

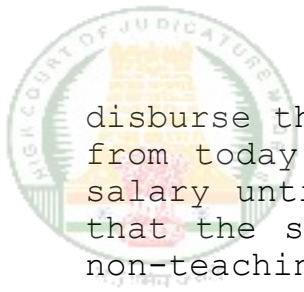
(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

By the impugned order, the learned Single Judge has quashed the order of removal of service of the first respondent/teacher made on 09.09.2020, by the appellants/management.

2.The first respondent/teacher has raised a contention that salary has not been paid from January, 2020. It appears that there was a direction in the earlier Writ Petition for payment of salary/subsistence allowance and the appellants/management filed appeal, which has been dismissed.

3.In any event, the entitlement of the first respondent/writ petitioner and the quantum payable, either salary or subsistence allowance, from January, 2020 till the order is passed by the learned Single Judge on 05.03.2021 will be decided after the official respondents give instruction to the learned Government Counsel. All the contentions raised by the appellants/management and first respondent/teacher are left open.

4.Since the order of removal from service has been set aside, the appellants/management have to claim salary for the first respondent/ teacher from the Month of March, 2021 and as soon as it is submitted the respondent department shall approve the same and pay salary to the first respondent/teacher. The appellants/management are directed to submit their proposal within a period of one week from today. The respondent department shall



disburse the salary to the first respondent/teacher within two weeks from today and the respondent department shall continue to pay the salary until further orders in this appeal. It goes without saying that the salary claim shall also be made for all the teaching and non-teaching staff, which includes the first respondent as well.

5. With the above observations, this Civil Miscellaneous Petition shall stand disposed of.

sd/-
15/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 SECRETARY,
THE STATE OF TAMILNADU
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI 600 009.
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI 600 006
- 3 THE CHIEF EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT, NAGERCOIL.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
THIRUVATTAR, OFFICE AT MARTHANDAM,
KANYAKUMARI DISTRICT.

+1. C.C. to M/S.J.ANANDHAVALLI, Advocate SR.No. 4020

ORDER
IN
CMP(MD) No.4769 of 2021
IN
WA(MD) No.1070 of 2021
Date :15/06/2021

SJ
MS/VR/SAR-1/17.06.2021/3P.6C

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