



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20548 of 2021 and
WMP(MD) Nos.17185 & 17186 of 2021

Sundarambal Middle School,
Rep by its Educational Agency cum
Secretary,
G.Joseph Jeyaseelan,
No.2, Keeraithurai,
Madurai - 1.

... Petitioner

Vs.

1. The Chief Educational Officer,
Chief Educational Office,
Tallakulam,
Madurai -2.
2. The District Educational Officer,
District Educational Office,
Tallakulam,
Madurai - 2.
3. The Block Educational Officer - II,
Block Educational Office,
Madurai South, RMS Road,
Madurai - 1.

4. A.Thenmozhi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the first respondent in Na.Ka.No.736/E1/2020, dated 13.10.2021, confirming the order of the second respondent in Na.Ka.No.6666/A5/2019, dated 06.01.2021 and quash the same.

For Petitioner

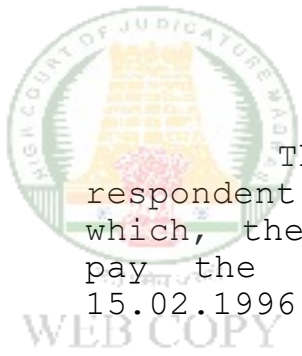
: Mr.C.Godwin

For R1 to R3

: Mr.P.T.Thiravium
Government Advocate

For R4

: Mr.V.Panneerselvam



O R D E R

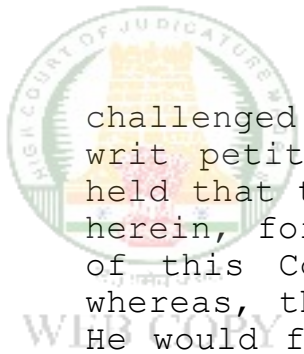
This writ petition is filed as against the order of second respondent in Na.Ka.No.6666/A5/2019, dated 06.01.2021, in and by which, the second respondent directed the petitioner's school to pay the differential amount of salary for the period from 15.02.1996 to 14.05.1999.

2.The case of the petitioner is that the petitioner School is a Government aided Middle School, governed by the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973. The fourth respondent, who was working as Sewing Teacher in the petitioner School was placed under suspension, which ended in dismissal from service. But the dismissal was not approved by the Educational Authority. She was paid subsistence allowance of Rs.7178/- for the period from 05.02.1996 to 14.05.1999. Since the dismissal from service was not approved by the Educational Authority, the petitioner School filed CMA No.16 of 1999, before the Principal Sub Court, Madurai. In the meantime, the petitioner school deposited a sum of Rs.1,54,351/- before the said Court, towards arrears of pay and allowances. The fourth respondent also received the said amount on 10.01.2012. The CMA failed and therefore, the petitioner School filed W.A.Nos.460 and 465 of 2012. In the meanwhile, the fourth respondent attained superannuation.

3.The fourth respondent filed W.P.(MD) No.24736 of 2018, for regularization of her suspension period and for monetary benefits. This Court, by order dated 21.10.2019, directed the petitioner School to forward the necessary papers to the second respondent within two weeks from the date of receipt of a copy of that order and the relevant papers have also been forwarded to the second respondent School. The Second respondent, by proceedings in Na.Ka.No.6666/A5/2019, dated 06.01.2021, directed the petitioner school to pay the salary and other allowances apart from the subsistence allowance from 05.02.1996 to 14.05.1999. The petitioner School filed an appeal on the ground that apart from the subsistence allowance of Rs.7178/- paid to the fourth respondent, the petitioner School deposited a sum of Rs.1,54,351/- and the fourth respondent has also received the said amount and therefore there is amount due to be paid to the fourth respondent.

4.The learned Government Advocate appearing for the official respondents submits that the impugned order has been passed, pursuant to the orders of this Court in W.P.(MD) No.24736 of 2018, dated 21.10.2019 and if the petitioner is aggrieved by that order, instead of challenging the impugned proceedings, the petitioner ought to have filed writ appeal as against the orders of this Court in W.P(MD)No.24736 of 2018.

5.Mr.Panneer selvam, learned counsel appearing for the fourth respondent submits that this is third round of litigation. This fourth respondent was placed under suspension and the same was



challenged by her in W.P(MD)No. 24736 of 2018 and in various other writ petitions. In earlier round of litigation, this Court has held that the management has to pay salary to the fourth respondent herein, for the period from 05.02.1996 to 14.05.1999. As per order of this Court, the petitioner School has to pay Rs.2,60,050/-, whereas, the Management has paid only Rs.1,54,351/- on 03.09.2009. He would further submit that in view of the prolonged litigation, the fourth respondent is not insisting for the differential amount, if the Service Register Book is handed over to her with necessary endorsement.

6.The submissions made on behalf of the fourth respondent is recorded.

7.It is seen that the grievance of the petitioner is against the impugned order and the direction issued by the second respondent to pay the differential amount to the fourth respondent for the period from 05.02.1996 to 14.05.1999. The impugned order appears to be passed pursuant to the order of this Court in W.P(MD) No. 24736 of 2018, dated 21.10.2019. Now, the fourth respondent has made it clear that she is not insisting the differential amount and she has confined with the amount, which was already paid by the Management and the service register alone has to be handed over to the fourth respondent, with necessary endorsement.

8. In view of the submissions made on behalf of the fourth respondent, this writ petition is disposed of. The petitioner School need not pay the differential amount to the fourth respondent, as per the impugned order passed in Na.Ka.No.6666/A5/2019, dated 06.01.2021, as confirmed by the proceedings of the first respondent in Na.Ka.No.736/E1/2020, dated 13.10.2021. However, the petitioner shall hand over the service register book to the fourth respondent, with necessary endorsement, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// 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 Chief Educational Officer,
Chief Educational Office,
Tallakulam,
Madurai -2.
2. The District Educational Officer,
District Educational Office,
Tallakulam,
Madurai - 2.
3. The Block Educational Officer - II,
Block Educational Office,
Madurai South,
RMS Road,
Madurai - 1.

+1 CC to M/s.C.GODWIN, Advocate (SR-36818[F] dated 01/12/2021)

+1 CC to M/s.V.PANNEERSELAVM, Advocate (SR-37005[F] dated 02/12/2021)

+1 CC to M/s.SPL GP (SR-37037[F] dated 02/12/2021)

Order made in
W.P(MD) No.20548 of 2021 and
WMP(MD) Nos.17185 & 17186 of 2021

01.12.2021

USK (27.12.2021) 4P 7C