



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.10367 of 2017

and WMP (MD)Nos.7941 and 7942 of 2017

WEB COPY

N.Thiruchendil

... Petitioner

Vs.

1.The Additional Assistant Elementary Educational Officer,
Ramanathapuram, Ramanathapuram District.

2.D D Vinayagar Primary School,
Velipatinam Post-623 503,
Ramanathapuram District,
represented by its Secretary.

3.N.G.Ram Shankar, Secretary,
D D Vinayagar Primary School,
Velipattinam Post-623 503,
Ramanathapuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified mandamus to call for records relating to the impugned order No.229/2017, dated 10.05.2017 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to claim and pay the petitioner's salary every month without any default in accordance with law.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
for R.1
: Mr.N.S.Karthikeyan
for R.2
: No Appearance for R.3
* * * * *

ORDER

This Writ Petition is filed seeking for issuance of a writ of Certiorarified mandamus to call for records relating to the impugned order No.229/2017, dated 10.05.2017 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to claim and pay the petitioner's salary every month without any default in accordance with law.



2. The case of the petitioner is that the petitioner was appointed as a Secondary Grade Teacher in the year 2001. After completion of 10 years, on 30.08.2010, the first respondent conferred the Special Grade to the petitioner to the effect from 25.06.2010, however, the said order was not implemented. Hence, the petitioner made a representation on 09.02.2016 to furnish a copy of the service register and repeatedly the petitioner made a representation to implement the order dated 30.08.2010 and till date, either the School Management or the Educational Authorities did not pass any order and hence, he made enquiry under Right to Information Act and filed writ petition. Aggrieved by the said action of the petitioner, the respondents 2 and 3 - school authorities issued a memo dated 10.05.2017, as if the petitioner made disturbance to the management of the School and hence, they decided to stop the salary and other benefits to the petitioner. Challenging the same, the present writ petition is filed.

3. Learned Counsel appearing for the petitioner would submit that while entertaining the writ petition, this Court granted an interim direction by directing the respondents to disburse the salary and other benefits and accordingly, by virtue of the interim order, the petitioner received the entire benefits periodically from the management as well as from the Educational authorities.

4. The learned Counsel appearing for the respondents have no serious objection to press the impugned order.

5. In view of the disposal of the writ petition in W.P.(MD) No.6260 of 2016, the apprehension arises by the petitioner in this writ petition is misconceived, as the respondents have not proceeded anything.

6. In view of the above, this Writ Petition is closed. No costs. However, the respondents are directed to release the salary and other benefits in accordance with law. Consequently, the connected Miscellaneous Petitions are also closed.

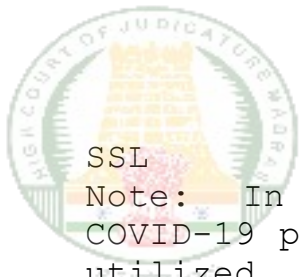
Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



SSL

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

The Additional Assistant Elementary
Educational Officer,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.M.E.ILANGO, Advocate (SR-11453[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11598[F] dated 16/03/2021)

W.P(MD)No.10367 of 2017
15.03.2021

ES(CO)

TR(07.05.2021) 3P 4C