



WEB COPY

W.P.No.35430 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.35430 of 2019

M.Krishnamurthy

... Petitioner

Vs.

1.The Secretary to Government,
School Education,
Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2.The Director of Private Schools,
D.P.I. Campus,
Nungambakkam,
Chennai – 34.

3.The Chief Educational Officer,
Villupuram, Villupuram District.

4.The District Educational Officer,
Villupuram, Villupuram District.

5.The Secretary,
Sri Ramakrishna Educational Society,
P.B.No.54, No.29, Poonthotam,
Villupuram.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the proceeding dated 18.01.2019 on the file of the 5th respondent and quash the same and direct the respondents 1 to 4 herein to call upon the 5th respondent to re-fix the scale of pay to petitioner in the cadre of Post Graduate Assistant Teacher (Senior Grade) as per periodical Pay Commission Recommendations with effect from 01.06.1988 on par with the scale of pay of the P.G. Teacher, Government Higher Secondary School and pay the entire balance arrears of salary to me with interest at 9% per annum.

For Petitioner : Mr.R.Natarajan

For R1 to R4 : Mrs.S.Mythreye Chandru
Special Government Pleader

For R5 : No Appearance

ORDER

The order of rejection, rejecting the claim of the writ petitioner for grant of revision of pay is under challenge in the present writ petitioner.

2. Admittedly, the petitioner is working as PG Teacher in Sri Ramakrishna Educational Society, which is a private institution.



3. The learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that it is a self financed institution and a matriculation school. That being the case, under the Matriculation Regulation, the petitioner has to approach the competent authorities for redressal of his grievances. Moreover, the petitioner filed the writ petition after a lapse of about 5 years from the date of retirement.

4. The writ petition is not maintainable against the private institution. The Hon'ble Supreme Court of India distinguished that the performance of public duty by private schools and colleges would not include the service matter of the employee. Therefore, the service dispute regarding the employees of the private schools and colleges are to be adjudicated before the competent authorities under the Statute and thereafter, before the Court of Law.

5. Therefore, the petitioner has to approach the competent authorities at the first instance and thereafter, he has to approach the competent Court of Law. In the event of any such approach by the petitioner, the competent authorities shall take into the consideration the period during which the writ



petition was pending before the High Court for condoning delay, if any and decide the issues on merits and in accordance with law as expeditiously as possible.

6. With these observations, the Writ Petition stands disposed of. No costs.

02.12.2022

Jeni
Index : Yes
Speaking order

To

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S.M.SUBRAMANIAM, J.

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