



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.9284 of 2021 and
WMP(MD) No.6989 of 2021

R.Valavanthal

Petitioner

Vs.

- 1.The Chief Educational Officer,
O/o the Chief Educational Office,
Virudhunagar,
Virudhunagar District.
- 2.The District Educational Officer,
O/o, the District Educational Office,
Virudhunagar,
Virudhunagar District.
- 3.The Secretary,
Kshatriya Girls Higher Secondary School,
Virudhunagar, Virudhunagar District.
- 4.The Head Master,
Kshatriya Girls Higher Secondary School,
Virudhunagar, Virudhunagar District.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 2 & 3 to pay the subsistence allowance for the period of two months and full salary for the subsequent months in terms of Section 22 (3) (b) of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and further direct the third respondent to revoke the order of suspension in the light of judgment made in Ajaykumar Chowdhary Vs.Union of India case reported in 2015(7) SCC 291 and by considering the petitioner's representation dated 08.03.2021 and 12.04.2021, within the period that may be stipulated by this Court.

For Petitioner :Mr.H.Mohammed Imran
For M/s.Ajmal Associates

For R1 & R2 :Mr.J.Ashok
Additional Government Pleader



For R3

:Mr.G.Marippan

For R4

:Mr.Ramsundar Vijay Raj

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O R D E R

This writ petition is filed challenging the order of suspension, dated 21.12.2020 and to direct the respondents 2 & 3 to pay the subsistence allowance, by considering the petitioner's representation dated 08.03.2021.

2.Today(12.01.2022), when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 & 2 submits that pursuant to the order of suspension, domestic enquiry was conducted and the charges levelled as against the petitioner were proved and the petitioner was also removed from service.

3.The learned counsel for the petitioner submits that during the suspension period, the petitioner was not paid with any subsistence allowance.

4.In view of the submission made by the learned counsel appearing for the respondent that the petitioner has already been removed from service, nothing survives for further adjudication in this writ petition.

5.Accordingly, this writ petition is closed. The respondent shall serve the copy of the dismissal order to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. It is always open to the petitioner, to challenge the order of dismissal, if he is so advised. Since it is represented that no subsistence allowance has been paid to the petitioner, during the suspension period, the respondents shall pay the subsistence allowance, if any due to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

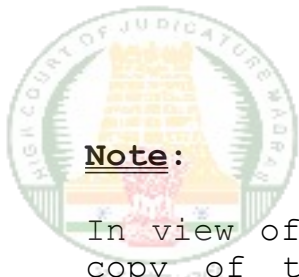
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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,
O/o the Chief Educational Office,
Virudhunagar,
Virudhunagar District.
- 2.The District Educational Officer,
O/o, the District Educational Office,
Virudhunagar,
Virudhunagar District.
- 3.The Secretary,
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Virudhunagar,
Virudhunagar District.
- 4.The Head Master,
Kshatriya Girls Higher Secondary School,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-1713[F] dated 19/01/2022)

W.P(MD) No.9284 of 2021 and
WMP(MD) No.6989 of 2021
12.01.2022

RK(07/03/2022) 3P 6C