



W.P.(MD)No.8604 of 2016

and
Rev.Aplc.(MD) No.207 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

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and

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and

C.M.P.(MD) Nos.7655 of 2016 & 9085 of 2017

and

W.M.P.(MD) No.6892 of 2016

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- 1.B.Mohan Nair
- 2.S.Hema Kumari
- 3.M.Chellappa Pillai
- 4.P.Selvi
- 5.Jacqueline Shantha Subha
- 6.G.Bharathy
- 7.M.Helan Sujatha
- 8.Swappna R.J.



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9.M.Muhammed Abdul

10.S.P.Saji

11.M.Vijay Kumari

12.V.Chandrika Devi

13.S.Thaya

14.S.L.Padmaja

15.S.Sushama

16.S.S.Rajakumar

17.G.Vijayakumar

18.K.S.Vijaya Vanitha

19.Jegatheesan

20.R.Jayanthi

21.K.Sailaja

22.G.S.Kasthuri Prabha

....Petitioners

Vs.

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District - 629 001.

3.The District Educational Officer,
Thuckalay - 629 175,
Kanyakumari District.



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4.The Correspondent - Cum - Manager,
Sarojini Memorial Higher Secondary School,
Orapanavilai,
Ammandivilai Post,
Kanyakumari District.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of first respondent herein in Na.Ka.No.101193/W4/E3/2009, dated 08.03.2016 and quash the same and consequently direct the third respondent to exercise his powers permitted in G.O.Ms.No.881, dated 04.06.1979.

For Petitioners : Mr.S.Manikandan

For Respondents : Mr.D.Sasikumar - for R1 to R3

Additional Government Pleader

Mr.VR.Shanmuganathan - for R4

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3.The District Educational Officer,
Thuckalay - 629 175,
Kanyakumari District.

..Review petitioners / Appellants

Vs.

1.The Correspondent - Cum - Manager,
Sarojini Memorial Higher Secondary School,
Orapanavilai,
Ammandivilai Post,
Kanyakumari District.

2.K.Saratha

....Respondents/Respondents

PRAYER : Review Petition filed under Order 47 Rule 1 & 2 read with
Section 114 of the Civil Procedure Code to review the order dated
14.10.2015 passed in W.A.(MD).No.882 of 2013.

For Petitioners : Mr.D.Sasikumar
Additional Government Pleader

For 1st Respondent : Mr.VR.Shanmuganathan



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COMMON ORDER

J.NISHA BANU, J.
and
N.ANAND VENKATESH, J.

Heard Mr.S.Manikandan learned counsel appearing for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.VR.Shanmuganathan, learned counsel appearing for the fourth respondent in W.P.(MD) No.8064 of 2016 and Mr.D.Sasikumar, learned Additional Government Pleader appearing for the petitioners and Mr.VR.Shanmuganathan, learned counsel appearing for the first respondent in Rev.Applc.(MD) No.207 of 2017.

2. WP.(MD) No.10912 of 2017 was filed against the order of the District Educational Officer, dated 16.11.2007 ordering for direct payment and the proceedings of the Director of School Education, dated 08.12.2008 issuing certain directions to the District Educational Officer



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to be exercised by him during the direct payment. The writ petition was allowed by an order, dated 29.03.2012. Aggrieved by the same, W.A.(MD)No.882 of 2013 was filed by the Department and the said appeal was partly allowed by an order, dated 14.10.2005, thereby the proceedings of the Director of School Education, dated 08.12.2008 was set aside, whereas, the direct payment order passed by the District Educational Officer was confirmed.

3. Aggrieved by the above order passed in the writ appeal, both the petitioners and the department filed independent review application. In the meantime, the Director of School Education through proceedings, dated 08.03.2016, cancelled the earlier proceedings, dated 08.12.2008. Aggrieved by the same, the present writ petition was filed by the petitioners.

4. The contempt petition was filed on the ground that the order passed in the writ appeal was not complied with.



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5. During the pendency of the review application, contempt petition and present writ petition, the proceedings, dated 08.12.2008 has been withdrawn and hence, the same has to be recorded and the contempt petition must be closed.

6. Insofar as the review petition and the writ petition is concerned, there is a subsequent development, whereby, there is a compromise as among the petitioners and the teaching and non-teaching staffs belonging to the school. A joint memo to that effect has been filed before this Court on 08.04.2022 and it has been signed by all the parties. It is also brought to our notice that the parties were present during the previous hearings and the same was also recorded by this Court.

7. In view of the above development, the writ petition and the review application can be disposed of by recording the terms of compromise. For proper appreciation the terms of compromise are extracted hereunder :-

"a. The office of the Correspondent
shall be located in the school campus.



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b. The Correspondent shall avoid calling the teaching and non teaching staffs to his residence either for official work or otherwise.

c. The Correspondent shall make all endeavour to get the salary and other benefits like annual increment, surrender leave encashment, pension etc., for the employees at the earliest.

d. Permission for Causal leave, Medical leave, Earned leave, Other Duty etc., be granted on appropriate application through Headmaster.

e. The Correspondent shall avoid calling the employees beyond their work time, for other works.

f. Appropriate service protection be granted to the employees by not resorting to any action on vengeance, for their approach to court or otherwise.

g. The Correspondent shall avoid collection of money from the employees by citing the reasons of school recognition and development activities.

h. The Correspondent shall endeavour to receive all arrears of all benefits due to employees and also to return their original certificate/Testimonials.



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i. In case of any disputes between management and employees of school, all endeavour to solve them by peace talks, be taken.

j. Employees shall endeavour to co-operate with management for betterment of the school.

k. Employees shall co-operate with management for all its actions for development of the school.

1. Employees shall co-operate for school improvement by increasing the student's admission."

8. The terms of compromise effectively resolves the dispute between the management and the teaching and non-teaching staffs. In view of this development, there is no reason for direct payment order passed by the District Educational Officer to continue.

9. In the result, all these petitions are disposed of, in terms of the compromise between the parties and there shall be a direction to the third respondent to take note of the subsequent development and pass



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appropriate orders withdrawing the earlier proceedings, dated 16.11.2007 within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [N.A.V.,J.]
16.09.2022

Index : Yes / No
Internet : Yes
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