



W.P(MD)No.26495 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26495 of 2022

and

W.M.P.(MD)No.20668 of 2022

M.Bhaskaran

... Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.

2.The Additional Chief Educational Officer,
Combined School Education Department,
District Project Office (SSA),
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from in any way proceeding with the recovery proceedings in pursuant to the order passed by the Learned Chief Judicial Magistrate, Thoothukudi made in M.C.No. 08/2017 dated 30.05.2018 by considering the petitioner's representation dated 29.07.2022.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.S.Shaji Bino
Special Government Pleader



W.P(MD)No.26495 of 2022

ORDER

Heard the learned counsel on either side.

2. The petitioner has suffered an order of maintenance. It is not the case of the petitioner that the maintenance order has been set aside. So long as the maintenance order passed by the competent Court is holding good, the employer is bound to comply with the same.

3. The petitioner's counsel states that he has filed HMOP petition against his wife. Only after the petitioner obtains an order in his favour in HMOP, he can seek cancellation of the present maintenance order and till then, the employer cannot be faulted in enforcing the petition mentioned maintenance order. The petitioner has no right as of now.

4. With this observation, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.11.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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