



W.P.(MD)No.28211 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28211 of 2022

and

W.M.P.(MD)No.22280 of 2022

J.John Jildoss

... Petitioner

Vs.

1. The Principal Secretary,
Department of School Education,
Government of Tamil Nadu,
Secretariat,
Chennai.
2. The Commissioner of School Education,
DPI Campus,
Chennai.
3. The Joint Director of School Education,
DPI Campus,
Chennai.
4. The Director of Matriculation Schools,
DPI Campus,
Chennai.



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5. The Chief Educational Officer,
Chief Educational Office,
Madurai.

6. The District Educational Officer,
District Educational Office,
Melur,
Madurai.

7. The District Educational Officer,
District Educational Office,
Tirumangalam.

8. The Director,
Lakshmi Vidya Sangam,
T.V.S.Nagar,
Palanganatham,
Madurai.

9. The Principal,
Lakshmi School,
Veerapanchan,
Madurai.

10. The Principal,
T.V.S. School,
T.V.S.Nagar,
Palaganatham,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding in R.C.No.10060/A4/2021



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dated 05.04.2022 passed by the fifth respondent and quash the same as illegal and consequently, direct the respondents 3 to 7 to order the respondents 8 to 10 to reimburse the 14 months salary deduction of Rs.96,194/- and to reinstate petitioner to the service.

For Petitioner : Mr.V.Santhakumaresan
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

O R D E R

This Writ Petition has been filed to call for the records relating to the impugned proceedings in R.C.No.10060/A4/2021, dated 05.04.2022 passed by the fifth respondent, quash the same and consequently, direct the respondents 3 to 7 to order the respondents 8 to 10 to reimburse the 14 months salary deduction of Rs.96,194/- and reinstate petitioner to the service.

2. The case of the petitioner is that the petitioner is a Degree Holder. On 11.04.2016, the eighth respondent has appointed the petitioner



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as a Trained Graduate Teacher (Chemistry) in Lakshmi School, Veerapanchan, Madurai, on probation for a period of six months, i.e., till 30.09.2016. He successfully completed the probationary period and his services were confirmed on 01.10.2016 by the eighth respondent. Subsequently, he was re-designated as Senior Faculty on 25.07.2017 by the eighth respondent. On 23.07.2018, his salary was revised and refixed as Rs.31,345/- per month and thereafter, on 30.05.2019, his salary was again revised and refixed as Rs.34,354/- per month. While so, on 11.11.2020, the ninth respondent demanded the petitioner to give a consent letter to voluntarily forgo unmentioned portion of his monthly salary. The petitioner rejected that demand, since the consent letter is without date. Even after the consent letter, the eighth respondent withheld his salary arrears and dismissed him from service. Thereafter, on 10.10.2021, the petitioner sent a representation to the first respondent to reinstate him to the service and to reimburse the salary arrears for 14 months. In the meantime, the fifth respondent passed the impugned proceedings dated 05.04.2022. Challenging the same, the present Writ Petition.



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3. The learned counsel appearing for the petitioner would submit that though the dispute is between the petitioner and the eighth respondent, the Educational Department is the controlling authority for all the Schools and the issue in the present Writ Petition could only be resolved by the Educational Department. Hence, this Court may issue a direction to the respondents 2 and 5 to resolve the dispute between the petitioner and the eighth respondent and accordingly, he prayed for appropriate orders.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. The petitioner is not recruited through the Teachers Recruitment Board and the petitioner secured private appointment from the eighth respondent and the eighth respondent Management is also not an aided institution and it is a CISCE Board and it is not under the control of the Educational Department. Hence, the petitioner's request before the respondents 2 and 5 is misconceived and the impugned order is an internal communication, in which, the petitioner is not aggrieved. Hence, the prayer sought in the present Writ Petition cannot be granted.



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6. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law as against the fifth respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

15.12.2022

Index : Yes / No

Speaking Order : Yes / No

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