



W.P.No.14309 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.14309 of 2017

D.R.Munian

... Petitioner

Vs

1.The Director of School Educationm
College Road, Chennai – 600 006.

2.The Chief Educational Officer,
Dharmapuri – 636 705,
Dharmapuri District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay salary to the petitioner for the post of Headmaster, Avvaiyar Government Girls Higher Secondary School, Dharmapuri for a period of re-employment for a period from 06.01.2016 to 31.05.2016 out of 01.07.2015 to 31.05.2016 after deducting salary for a period from 01.07.2015 to 31.12.2015.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.M.Shahjahan
Special Government Pleader



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ORDER

The petitioner seeks issuance of a writ of Mandamus to direct the respondents to pay him salary for the post of Headmaster, Avvaiyar Government Girls Higher Secondary School, Dharmapuri for the re-employed period from 06.01.2016 to 31.05.2016, after deducting the salary paid to him between 01.07.2015 to 31.12.2015.

2.The contention of the writ petitioner is that considering the petitioner's conduct and character, the Chief Educational Officer, Dharmapuri re-employed the petitioner for the period beginning 01.07.2015 to 31.05.2016 as the petitioner's retirement was falling in the middle of the academic year. In the interregnum period, based on the complaints dated 21.12.2015 and 22.12.2015, a report was called for and the Chief Educational Officer in and by proceedings dated 31.12.2015 directed the petitioner to submit his explanation. According to the petitioner, the Chief Educational Officer without conducting any enquiry cancelled the order of re-employment rejecting the explanation offered by the writ petitioner as



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one being unsatisfactory. The writ petitioner approached this Court by way of a writ petition in W.P.No.1675 of 2016 challenging the proceedings dated 06.01.2016 on the file of the second respondent. This Court allowed the writ petition and directed the petitioner to continue his employment for the remaining of re-employment period. The order of this court came to be passed on 06.04.2016.

3.The second respondent has filed a counter. Serious charges and allegations are levelled against the writ petitioner and the proceedings initiated against the writ petitioner are justified in the counter affidavit. However, the fact remains that this Court has set aside the order passed by the second respondent and permitted the writ petitioner to continue to hold the post of Headmaster for the concerned School as originally re-employed. In the light of the said order which is also admittedly become final, the petitioner cannot be denied salary. In fact the petitioner has filed a rejoinder to the counter affidavit drawing reference to the order passed by this Court in W.P.No.1675 of 2016 dated 06.04.2016.



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4.Heard Mr.R.Saseetharan, learned counsel appearing for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader appearing for the respondents.

5.It is not in dispute that the petitioner was re-employed for a period, post his actual and original date of superannuation and he was directed to hold office for the period beginning 01.07.2015 to 31.05.2016. It is only during this period when disciplinary proceedings came to be initiated against him and the order giving him re-employment was recalled. However, considering the fact that this Court in W.P.No.1675 of 2016 dated 06.04.2016 set aside the impugned proceedings recalling the order of re-employment and further directed the petitioner to function as Headmaster till 31.05.2016 and the same has become final, there is absolutely no justification on the part of the respondents to deny payment of salary to the writ petitioner, for the said period.

6.For the aforementioned reasons, the writ petition is allowed. The respondents are directed to pay salary to the petitioner for the



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re-employment period from 01.07.2015 to 31.05.2016 after deducting the amount paid towards salary from 01.07.2015 to 31.12.2015 within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

12.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
cse

To

- 1.The Director of School Educationm
College Road, Chennai – 600 006.
- 2.The Chief Educational Officer,
Dharmapuri – 636 705,
Dharmapuri District.



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P.B.BALAJI, J.

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