



REV.APLC(MD)Nos.77 to 79 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

REV.APLC(MD)Nos.77 to 79 of 2021

and

C.M.P.(MD)Nos.7070 to 7072 of 2021

1.The Correspondent,
Purushothamanpillai Memorial
Higher Secondary School,
Anducode and Post – 629 168,
Kanyakumari District.

2.Dr.V.R.Sajikumar

... Petitioners in all Rev.Aplcs.

Vs.

K.Sunil Kumar

... Respondent No.1 in
Rev.Aplc(MD)No.77 of 2021

B.Sheela Babu

... Respondent No.1 in
Rev.Aplc(MD)No.78 of 2021



WEB COPY

J.Vimal Edward Dhas

2.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.

3.The Director of School Education,
College Road,
Chennai – 600 006.

4.The Chief Educational Officer,
Kanyakumari District,
Nagercoil.

5.The District Educational Officer,
Thiruvattar,
Office at Marthandam,
Kanyakumari District.

T.Shibu

C.Subi Kumar

C.Subi Kumar

REV.APLC(MD)Nos.77 to 79 of 2021

... Respondent No.1 in
Rev.Aplc(MD)No.78 of 2021

... Respondents 2 to 5 in
all Rev.APlcs.

... Respondent No.6 in
Rev.Aplc(MD)No.77 of 2021

... Respondent No.6 in
Rev.Aplc(MD)No.78 of 2021

... Respondent No.6 in
Rev.Aplc(MD)No.79 of 2021



REV.APLC(MD)Nos.77 to 79 of 2021

COMMON PRAYER : Review Applications filed under Order 47 Rule 1 of C.P.C. r/w Section 114 of C.P.C., to review the order passed in W.A.(MD)Nos. 1036, 1037 and 1035 of 2020 dated 04.12.2020.

For Petitioner : Ms.J.Anandhavalli
(In all Rev.Appls)

For Respondents : Mr.E.V.N.Siva
(for R1 in Rev.APlc.(MD)Nos.77 & 78 of 2021)
Mr.T.Amjad Khan,
Government Advocate for R2 to R5
(In all Rev.Appls)

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

These Review Applications have been filed to review the order passed in W.A.(MD)Nos.1036, 1037 and 1035 of 2020 dated 04.12.2020.

2. The petitioners have filed these review applications on the ground that the first respondents / writ petitioners were working in the petitioners school and the Department has paid the salary to the first respondents / writ petitioners for



REV.APLC(MD)Nos.77 to 79 of 2021

the months of January and February and the suspension order dated 21.12.2019 has been given effect to from the month of March and therefore, the payment of subsistence allowance still arises from February 2020 and as per the the Tamil Nadu Recognized Private Schools (Regulations) Rules 1974, the Department has to pay the subsistence allowance to the first respondents / writ petitioners for the month of March and April. The petitioners Management is liable to pay the subsistence allowance to the first respondents / writ petitioners for the month of May and June and subsequently, in the month of July, the suspension orders were withdrawn and therefore, the Department has to pay the salary to the first respondents/ Writ Petitioners. Without considering the said fact, the Division Bench of this Court by order dated 04.12.2020, directed the petitioners to pay the salary to the first respondents / writ petitioners, as directed by the Writ Court. Hence, the petitioners have filed these review applications

3. The learned counsel appearing for the first respondents / writ petitioners submitted that as per the interim order passed by this Court, they have received the salary for the months of January to April and also received salary from the



REV.APLC(MD)Nos.77 to 79 of 2021

Management for the month of May and June. He further submitted that the Writ Petitions are still pending before this Court. According to him, the dispute is between the School Management and the Department for payment of salary to the first respondents / writ petitioners and therefore, it is for them to work out their remedy in the pending Writ Petitions. Therefore, he seeks for dismissal of these review applications.

4. In view of the above submissions, we are of the view that there is a dispute between the School Management and the Department for payment of salary to the first respondents / writ petitioners. The learned counsel appearing for both parties have made some factual statements in the present review applications. But at the length of time, we are not inclined to entertain the additional grounds raised in the present review applications. Further, in the writ petitions, only interim orders have been passed and the main writ petitions are pending. Therefore, if the petitioners have any grievance, it is for them to seek for further direction in the aforesaid writ petitions for payment of the said amount to the first respondents / writ petitioners either by the Management or by



REV.APLC(MD)Nos.77 to 79 of 2021

the department during the period from March to June and therefore, we are not inclined to give any opinion or view on the contentions made by both parties.

5. In view of the above, we are of the view that there is no error or infirmity in the order passed by this Court in W.A.(MD)Nos.1036, 1037 and 1035 of 2020, dated 04.12.2020 and therefore, these Review Applications are liable to be dismissed.

6. Accordingly, these Review applications are dismissed. However, liberty is granted to the petitioners to raise all the grounds, which have been agitated in the instant Review Applications, before the Writ Court. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [B.P., J.]

24.02.2023

NCC : Yes / No

Index : Yes / No

vsm

Page 6 of 8



WEB COPY



REV.APLC(MD)Nos.77 to 79 of 2021

To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 3.The Director of School Education,
College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Kanyakumari District,
Nagercoil.
- 5.The District Educational Officer,
Thiruvattar,
Office at Marthandam,
Kanyakumari District.



WEB COPY



REV.APLC(MD)Nos.77 to 79 of 2021

D.KRISHNAKUMAR, J.
and
B.PUGALENDHI, J.

vsm

REV.APLC(MD)Nos.77 to 79 of 2021

24.02.2023