



W.P.(MD).Nos.5110/2020, 506/2021 and 21730 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.5110 of 2020, 506 of 2021 and 21730 of 2022
and

W.M.P.(MD).Nos.10700 of 2021, 4465 of 2020 and 435 of 2021

W.P.(MD)No.5110 of 2020

M.Arunachalam

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its Secretary,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education,
O/o the Director of School Education,
D.P.I. Complex,
Chennai.
- 3.The Chief Educational Officer,
O/o. the Chief Educational Office,
Thanjavur,
Thanjavur District.
- 4.The District Educational Officer,
O/o.the District Educational Office,
Kumbakonam,
Thanjavur District.

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5.The Secretary,
Banadurai Higher Secondary School,
Kumbakonam,
Thanjavur District.

6.Mr.T.R.Swaminathan

7.Mrs.N.Vijayasree

8.K.Rengarajan ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the fifth respondent in his proceedings Nil dated 21.02.2020 and quash the same as illegal.

For Petitioner	: Mr.M.Ajmal Khan for M/s. Ajmal Associates
For R1 to R4	: Mr.S.Saji Bino Special Government Pleader
For R5 & R6	: Mr.G.Sankaran, Sr. counsel for Mr.F.Deepak
For R7	: No appearance
For R8	: Tapal returned

W.P.(MD)No.506 of 2021

M.Arunachalam ... Petitioner

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Vs.

- 1.The State of Tamil Nadu
represented by its Secretary,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education,
O/o the Director of School Education,
D.P.I. Complex,
Chennai.
- 3.The Chief Educational Officer,
O/o. the Chief Educational Office,
Thanjavur,
Thanjavur District.
- 4.The District Educational Officer,
O/o.the District Educational Office,
Kumbakonam,
Thanjavur District.
- 5.The Secretary,
Banadurai Higher Secondary School,
Kumbakonam,
Thanjavur District.
- 6.Mr.T.R.Swaminathan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the fifth respondent to forward the proposal regarding the payment of provident



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fund, bonus increment, encashment of earned leave and yearly increment for the year 2019 and 2020 to the fourth respondent and consequently to direct the fourth respondent to sanction those benefits forthwith within a period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
for M/s. Ajmal Associates
For R1 to R4 : Mr.S.Saji Bino
Special Government Pleader
For R5 & R6 : Mr.G.Sankaran, Sr. counsel
for Mr.F.Deepak

W.P.(MD)No.21730 of 2022

M.Arunachalam

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Secretary,
School Education Department,
Secretariat,
Chennai.

2.The Director of School Education,
O/o the Director of School Education,
D.P.I. Complex,
Chennai.

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- 3.The Chief Educational Officer,
O/o. the Chief Educational Office,
Thanjavur,
Thanjavur District.
- 4.The District Educational Officer,
O/o.the District Educational Office,
Kumbakonam,
Thanjavur District.
- 5.The Secretary,
Banadurai Higher Secondary School,
Kumbakonam,
Thanjavur District.
- 6.Mr.T.R.Swaminathan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the fifth respondent in his proceedings in Na.Ka.No.2022AR101/A4/2022, dated 31.05.2022 and quash the same as illegal and consequently direct the fifth respondent to disburse the retirement benefits such as pension, gratuity, computation of pension, leave salary, dearness allowances etc., and all other attendant benefits forthwith.

For Petitioner : Mr.M.Ajmal Khan
for M/s. Ajmal Associates



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For R1 to R4 : Mr.S.Saji Bino
Special Government Pleader
For R5 & R6 : Mr.G.Sankaran, Sr. counsel
for Mr.F.Deepak

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. The case of the petitioner is that the fifth respondent School is a Private School receiving grant in aid from the Government and the petitioner is working as an Assistant Headmaster in the fifth respondent School. It is alleged that while he was working as an Assistant Headmaster, he collected huge amount from the students, who are studying in the School, for which, the fifth respondent School initiated disciplinary proceedings against the petitioner, which is ended in punishment of stoppage of increment for a period of two years. Challenging the same, the petitioner has filed the writ petition in W.P.



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(MD).No.5110 of 2020. Similarly, the petitioner has also filed the writ petition in W.P.(MD).No.21730 of 2022, challenging the relieving order dated 31.05.2022 and withholding the retirement benefits. The petitioner has also filed the another writ petition in W.P.(MD).No.506 of 2021, for issuance of a writ of Mandamus, directing the fifth respondent to forward the proposal regarding retirement benefits to the educational authority, to enable him to receive the terminal benefits.

3. The learned Senior counsel appearing for the respondents 5 and 6 would submit that as against the order passed by the School committee, there is an effective appeal remedy available before the Joint Director of School Education in terms of Section 23 of the Tamil Nadu Recognised Private Schools Regulation Act, 1973.

4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned Senior counsel appearing for the respondents 5 and 6.



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5. In view of the above, this Court directs the fifth respondent to withhold the unimplemented punishment amount and forward the balance amount to the educational authority viz., the fourth respondent, for disbursal of the same to the petitioner forthwith, within a period of four weeks from the date of receipt of a copy of this order. Further, this Court grants liberty to the petitioner to file an appeal before the appellate authority viz., the Joint Director of School Education, as against the order of punishment under Section 23 of the Tamil Nadu Recognised Private Schools Regulation Act, 1973, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

21.02.2023

NCS:Yes/No
Index:Yes/No
Internet:Yes/No
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M.DHANDAPANI,J.

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