



W.P.(MD)No.7142 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7142 of 2020

and

W.M.P.(MD)No.6578 of 2020

V.Ramakrishnan

... Petitioner

Vs.

1. The Director of School Education,
College Road,
Chennai - 600 006.
2. The Joint Director of School Education
(Higher Secondary)-cum-Appellate Authority,
Directorate of School Education,
Chennai - 600 006.
3. The Chief Educational Officer,
Tallakulam,
Madurai District - 625 002.
4. The District Educational Officer,
Melur,
Madurai District - 625 106.
5. Sri Gopalakrishna Higher Secondary School,
Represented by its Secretary-cum-Correspondent,
Sirudur - 625 014,
Madurai District.



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6. E.M.G.S.Arun Pothiraja,
The President,
Sri Gopalakrishna Higher Secondary School,
Sirudur,
Madurai - 625 014.

... 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 order passed by the fifth respondent vide proceedings Nil dated 11.05.2020, quash the same, insofar as it denies salary to the petitioner for the period 18.06.2019 to 24.03.2020 and further direct the respondents to pay full salary to the petitioner forthwith in the post of Drawing Instructor in the fifth respondent School with effect from 01.02.2019, with all other attendant benefits.

For Petitioner	:	Mr.K.Ragatheesh Kumar
For Respondents	:	Mr.S.Shaji Bino Spl. Govt. Pleader for R1 to R4 Mr.G.Prabhu Rajdurai for R5 Mr.R.Maheswaran for R6

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order passed by the fifth respondent vide proceedings Nil dated 11.05.2020, quash the same, insofar as it denies salary to the



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petitioner for the period from 18.06.2019 to 24.03.2020 and further, direct the respondents to pay full salary to the petitioner forthwith in the post of Drawing Instructor in the fifth respondent School with effect from 01.02.2019, with all other attendant benefits.

2. The case of the petitioner is that the petitioner was appointed as Art Master in the fifth respondent School in the year 1997 and the said appointment was approved by the fourth respondent vide proceedings dated 18.03.1998. After completion of twenty one years, there was a dispute between the petitioner and the fifth respondent School. Hence, the petitioner was placed under suspension. Thereafter, the petitioner made a representation dated 04.05.2020 to the fifth respondent to pay the salary for the suspension period and the same was rejected vide impugned order dated 11.05.2020. Challenging the same, the present Writ Petition,

3. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court permits the petitioner to prefer an appeal in terms of Section 23(b) of the Tamil Nadu Recognised Private Schools



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(Regulation) Act, 1973 before the Appellate Authority within a reasonable time that may be stipulated by this Court.

4. The learned Special Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without interfering the order impugned in this Writ Petition, grants liberty to the petitioner to ventilate his grievance by filing an appeal before the Appellate Authority in terms of Section 23(b) 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. If any appeal is made, the Appellate Authority is directed to consider and pass appropriate orders within a period of six weeks thereafter, after affording an opportunity of hearing to the petitioner and the fifth respondent.



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6. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

10.01.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



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