



W.P(MD)No.11947 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11947 of 2023

C.Anandharaj

... Petitioner

Vs.

**1.The Block Educational Officer-II,
Thoothukudi Office Situated at Pudukkottai,
Thoothukudi District.**

**2.The Secretary cum Corresondent,
AVS Primary School,
Muthaiahpuram,
Thoothukudi-628 005.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay the subsistence allowance for the suspension period from 15.09.2022 to 05.01.2023 and salary from 06.01.2023 to the petitioner based on the petitioner's representation dated 11.04.2023 within a stipulated time fixed by this Court.

For Petitioner : Mr.SM.Mohan Gandhi

**For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader**



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ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

2. The petitioner is working as Headmaster of the second respondent school. He has been implicated in a POCSO case. He was arrested on 15.09.2022. He was released on 15.11.2022. He was reinstated on 06.01.2023. The petitioner's grievance is that he was not paid any subsistence allowance for the period when he was under suspension. His grievance is that he has not been paid any salary for the period following his reinstatement.

3. The petitioner is working in an aided institution. Therefore, he is governed by the provisions of the Tamil Nadu Private Schools (Regulation) Act. It is well settled that a teacher working in an aided private school can be kept under suspension only for a period of four months. It is again well settled that for a period, when an employee is under suspension, he has to be paid subsistence allowance. These are



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statutory rights available to an employee. The petitioner of-course is facing serious charge and that too under POCSO Act. But the gravity of the charge is not a ground to deny the statutory rights of the petitioner.

4. In this view of the matter, the first respondent is directed to pay the subsistence allowance to the petitioner for the period when he was under suspension and also release the salary grant for the period following his reinstatement. This shall be done as expeditiously as possible.

5. The Writ Petition is allowed on these terms. No costs.

12.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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