



W.P.(MD)No.19234 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 19234 of 2019

T.Rajkumar

... Petitioner

Vs.

1.The Secretary,
Department of Higher Education,
Government of Tamil Nadu,
9th Floor, EVK Sambath Building,
College Road, Chennai – 9.

2. The Correspondent & Principal,
Zion Good Shepherd Matric Higher Secondary School,
Zion Nagar, A.P.K. Main Road,
Avaniyapuram,
Madurai – 625 012.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ Mandamus*, directing the respondent No.1 to direct the 2nd respondent to provide the petitioner's B.Ed., Original Certificate Night Study Salary and Eight month salary to him, within a stipulated time that may be fixed by this Court.



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For Petitioner : M/s.M.Viveka
For R-1 : Mr.M.Ramesh,
Government Advocate
For R-2 : Mr.M.Venkatesan

ORDER

This writ petition is filed for ***Writ Mandamus***, directing the 1st respondent to direct the 2nd respondent to provide the petitioner's B.Ed., Original Certificates and salary for the service rendered by the petitioner.

2. Heard M/s.M.Viveka, learned counsel appearing for the petitioner and Mr.M.Ramesh, learned Government Advocate appearing for the 1st respondent and Mr.M.Venkatesan, learned counsel appearing for the 2nd respondent. Perused the material documents available on record.

3. The petitioner has joined duty as Teacher in the 2nd respondent school on 01.06.2018 with monthly salary of Rs.13,000/-. According to the petitioner, the 2nd respondent has paid salary for the months of June, July and August 2019. Thereafter, inspite of his service in the school, he was not paid



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salary and the petitioner has submitted that he was paid salary for a period from September 2018 to April 2019. The respondents have also not paid the night study salary for a period of 8 months which was fixed as Rs.3000/- per month. The petitioner further submitted that the respondents have not handed over the B.Ed. Original certificates to the petitioner. Aggrieved over the same, the present writ petition is filed.

4. The learned counsel appearing for the 2nd respondent submitted that B.Ed., original certificates was accepted at the time of appointment and then acknowledgement card was also issued. Subsequently, the 2nd respondent Correspondent underwent Heart surgery and he could not manage the administration of the school. When the petitioner demanded the original, an employee of the school had handed over the original certificates to the petitioner. This contention was refuted by the petitioner and submitted that he has not received original certificates and it is still lying in the school.

5. Therefore, in order to settle the issue between the petitioner and the 2nd respondent, this Court issues direction to the petitioner to submit an



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application to the appropriate authority seeking to issue a duplicate certificate and the authority concerned do not insist the First Information Report and other formalities.

6. As far as the salary is concerned the 2nd respondent submitted that the petitioner has received a sum of Rs.10,000/-for the period of November 2018 to February 2019 and only the balance amount of Rs.3,000/- is payable. However, the petitioner has refuted the said contention. In order to resolve the issue between the parties, this Court is of the considered opinion that the petitioner is entitled to salary for a period from November 2018 to April 2019, at the rate of Rs.13,000/-per month. As far as the Tuition and night study is concerned, half of the claim is allowed. Therefore, totally, the petitioner is entitled for a sum of Rs.76,000/-. The 2nd respondent is directed to pay the said sum, within a period of four months, from the date of receipt of a copy of the order. The petitioner is directed to share the details of the account number to the 2nd respondent.



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7. Accordingly, this writ petition is allowed in above terms. No

Costs.

Index : Yes / No
Internet : Yes
ksa

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To

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 19234 of 2019**

16.03.2023