



W.P.(MD) No.8335 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) Nos.12592 of 2015, 6451 of 2018 and 8335 of 2018

G.Velmurugan

... Petitioner
in all W.Ps.

-VS-

1.The Director of Elementary Education,
College Road,
Nungambakkam, Chennai 6

2.The District Elementary Educational Officer,
Collectorate Campus
Virudhunagar,
Virudhunagar District.

3.The Assistant Elementary Educational Officer,
Near Gandhi Salai
Rajapalayam,
Virudhunagar District.

... Respondents in
all W.Ps.

4.The Correspondent
Sattamuni Saliyar Elementary School
Muthusampuram, Muhavoor (post)
Rajapalayam Virudhunagar District.

... Respondent in
W.P.No.12592/2018



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4. The Sattamuni Saliyar Elementary School

Represented by its Secretary
Muthusamypuram
Muhavoor (post)
Rajapalayam
Virudhunagar District.

... Respondents
in W.P.(MD) Nos. 6451 /
2015 & 8335/2018

Prayer in W.P.(MD) No.8335/2018:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent Nos.3 and 4 to grant No objection Certificate to the petitioner for pursuing BA (Tamil) Literature and higher studies within the time period stipulated by this Court.

Prayer in W.P.(MD) No.6451/2018:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent Nos.2 to 4 to provide super grade Scale on completion of 30 years service as secondary grade teacher as per G.O.Ms.No.562 Finance (Pay Cell) Department dated 28.10.1998 along with all consequential monetary benefits within the time stipulated by this Court.

Prayer in W.P.(MD) No.12592/2015:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent Nos.3 and 4 to provide the arrears of salary of total sum of Rs. 1,66,866/- from December 2010 to February 2015 and the earn leave



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surrender for 2 ½ months of total sum of Rs.1,21,825/- within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
For Respondents : Mr.J.Ashok for R1 to R3
Additional Government Pleader
No appearance for R4

COMMON ORDER

The present writ petitions have been filed for a mandamus to direct the respondent Nos.3 and 4 to grant No objection Certificate to the petitioner for pursuing BA (Tamil) Literature and higher studies; to provide super grade Scale on completion of 30 years service as secondary grade teacher as per G.O.Ms.No.562 Finance (Pay Cell) Department dated 28.10.1998 along with all consequential monetary benefits and to provide the arrears of salary of total sum of Rs.1,66,866/- from December 2010 to February 2015 and the earn leave surrender for 2 ½ months of total sum of Rs.1,21,825/- within the time period stipulated by this Court.

2.The case of the petitioner in all the writ petitions is that he was appointed as a Secondary Grade Teacher on 11.11.1987 at the 4th respondent



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school and as such he rendered 30 years of service. While so, he was issued with a charge memo and he was subsequently placed under suspension. Challenging the charge memo and suspension, the petitioner preferred WP(MD) Nos.3824/2011 and 13242/2011, wherein, this Court passed a common order directing the school management to make proper claim in favour of the petitioner for the salary and without prejudice to the enquiry and if there is no impediment, restore the service of the petitioner as per Section 22(3)(b) of the Tamil Nadu Private Schools Regulation Act. Subsequently, a representation was made to the respondents to provide earned leave surrender for 2½ months. Since the same was not considered, the petitioner filed W.P.(MD) No.12601/2015 to direct the Assistant Elementary Educational Officer and the respondent School to provide the arrears of salary from December 2010 to February 2015 and also the earned leave. He has also filed W.P.(MD) No.6451/2018 seeking super grade scale on completion of 30 years. Since the respondents have not sanctioned the earned leave surrender and the arrears of salary, the petitioner is before this Court with these writ petitions.



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3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the official respondents.

4. It is not in dispute that the petitioner has filed several writ petitions seeking direction against the Assistant Elementary Educational Officer and the respondent school challenging the charge memo and suspension, to provide arrears of salary, super grade scale for completion of 30 years and to grant no objection certificate for pursuing the BA Tamil Literature. It is the stand of the official respondents in the counter affidavit that it is for the school committee to consider the plea of the writ petitioner with regard to permission for pursuing the BA degree. As far as the other two prayers are concerned, the school committee has to send proposal to the official respondents. It is the further stand of the respondents that the school has come under the control of the District Educational Officer, Srivilliputhur, since the abolition of the post of District Elementary Educational Officer and the post of Assistant Elementary Educational Officer, Rajapalayam has also been re-designated as Block Educational Officer, Rajapalayam.



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5. In view of the above, these writ petitions are disposed of directing the official respondents as well as the respondent school to consider the representation of the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

01.03.2023

NCC : Yes/No

Index : Yes/No

RR

To

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M.DHANDAPANI, J.

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