



W.P(MD)No.26040 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26040 of 2023

and

W.M.P(MD)No.22400 of 2023

R.Uma Maheshwari

... Petitioner

Vs.

1.The District Educational Officer (Elementary Education),
Sivakasi,
Virudhunagar District.

2.The Block Educational Officer,
Rajapalayam,
Virudhunagar District.

3.The Secretary (Temporary),
Educational Agency,
Saraswathi Primary School,
Muthusamypuram,
Mugavoor-626 111,
Virudhunagar District.

4.K.Soundararajan,
Secretary (Temporary),
Educational Agency,
Saraswathi Primary School,
Muthusamypuram,
Mugavoor-626 111,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 19.09.2023 issued by the second respondent vide his proceedings Aa.Thi.Mu.No.2211/A1/23 and quash the same as illegal and without jurisdiction and consequently direct the second respondent to pay the salary to the petitioner without insisting the petitioner to send the salary bill through third respondent based on the order, dated 10.12.2007 in Mu.Mu.No.8228/A2/2007.

For Petitioner : Mr.C.Mayilvahana Rajendran
For R-1 & R-2 : Mr.V.Om Prakash
Government Advocate
For R-3 & R-4 : Mr.E.V.N.Siva

ORDER

The present writ petition has been filed by a Secondary Grade Teacher challenging the order of return passed by the second respondent herein, wherein the salary bill of the writ petitioner has been returned on the ground that it has not been signed by the School Secretary.

2. According to the learned Counsel appearing for the writ petitioner, the third respondent School is under direct payment from 10.12.2007 onwards. The said fact is also admitted in paragraph Nos.4 and 6 of the counter affidavit filed



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by the first respondent herein. Therefore, it is clear that the third respondent School is under direct payment system. There seems to be some dispute between the petitioner and the Secretary of the School and he is refusing to sign the salary bills of the writ petitioner. In view of the fact that the School is under direct payment system, the signature of the Secretary is not essential.

3. In view of the above said facts, the petitioner is directed to place the bills directly to the concerned authorities. The concerned authorities after verifying the fact that the petitioner has attended the School, shall clear the bills without insisting upon the signature of the School Secretary. The order impugned in the writ petition is set aside.

4. This writ petition stands allowed with the observations stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

13.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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R.VIJAYAKUMAR, J.

BTR

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