



W.P(MD)No.30470 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30470 of 2023

V.Puduraja

... Petitioner

Vs.

1.The Chief Educational Officer,
Madurai District,Madurai.

2.The District Educational Officer
(Secondary Education),
Madurai, Madurai District.

3.The Headmaster,
Nadar Saraswathi Higher Secondary School,
Usilampatti-625 532,
Madurai District.

4.B.Jeya Rajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to sanction and disburse salary to the petitioner from 04.01.2012 to 22.04.2015 by considering the petitioner's representation, dated 20.09.2023 within a reasonable time as may be specified by this Court.



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For Petitioner : Mr.E.V.N.Siva

For R1 & R2 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by an Office Assistant of an aided school seeking a Mandamus for disbursement of salary for the non-employment period.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was dismissed from service on 22.06.2012. Challenging the same, the petitioner had filed W.P(MD)No.7506 of 2013 before this Court. This Court by an order, dated 17.09.2014 granted interim order. On 25.08.2021, the order of dismissal was set aside by this Court on the ground that the termination order is void in nature. The petitioner was again reinstated on 23.04.2015. Therefore, the petitioner was kept out of employment between 04.01.2012 to 22.04.2015. However, salary has not been disbursed for this period. Hence, the petitioner has sent a representation to all the respondents including the school management on 20.09.2023. Since the said representation has not been considered, the present writ petition has been filed.



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3. According to the learned counsel appearing for the writ petitioner, the 2nd respondent has paid the salary for the non-employment period for similarly placed persons with a condition that they would recover the amount from the school management. The petitioner seeks a similar relief from this Court. It is for the authorities to consider the same. The 2nd respondent is directed to consider the request of the writ petitioner, dated 20.09.2023 and pass orders on merits and in accordance with law. In case, if the 2nd respondent arrives at a finding to disburse the said amount, the same shall be recovered from the school management.

4. With the above said direction, this writ petition stands disposed of. No costs.

20.12.2023

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

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To

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Madurai District,Madurai.
- 2.The District Educational Officer
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R.VIJAYAKUMAR, J.

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