



W.P.No. 4483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4483 of 2024

S.Senthil Kumar

....

Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 600 009.

2. The Director,
Elementary Department,
DPI Complex,
College Road,
Chennai – 600 034.

3. The District Educational Officer,
Elementary Education,
Office of the District Education Office,
Namakkal Education District,
Namakkal, Namakkal District.

4. The Block Educational Officer,
Office of the Block Educational Officer,
Tiruchengode,
Namakkal District.



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5. The Kalaimagal Kalvi Nilayam,
Represented by its Secretary,
Middle School,
Thiruchengode,
Namakkal District.

..... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 04.07.2023 and further direct the third respondent for release all the monetary benefits for the period from 12.04.2019 to 30.06.2023 together with applicable increments and other allowances within a period fixed by this Court.

For Petitioner : Mr.D.Santhose Bharath
For R1 to R4 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the third respondent to consider the representation of the petitioner dated 04.07.2023 seeking monetary benefits for the period from 12.04.2019 to 30.06.2023 together with applicable increments and other allowances.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.



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3. The petitioner was working as the Headmaster in the fifth respondent School. On 18.02.2019, when the petitioner was on duty, he was arrested by the Vigilance and Anti Corruption Department, on the complaint lodged by one M.Chandrasekaran. Due to which, he was suspended from service by the fifth respondent School on 21.02.2019. Thereafter, on 20.03.2019, he was released on bail. As per the order passed by the fifth respondent, he rejoined as the Headmaster of the School. Thereafter, the proposal of re-appointment of the petitioner was sent for approval to the third respondent. Pending the same, the recognition granted to the School had expired and the School was taken over by the Government on 21.09.2021, as an interim arrangement.

4. As per Rule 22 of the Tamil Nadu Private Schools (Regulation) Act, 1973, the period of suspension cannot be extended for more than a period of two months. Though the re-appointment of the petitioner was initially refused to be approved, thereafter the third respondent, by the proceedings dated 12.06.2023, approved the re-appointment of the petitioner as Headmaster. He was not paid salary and arrears for the period from 12.04.2019 to 30.06.2023.



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5. Considering the facts and circumstances of the case, the second and third respondents are directed to disburse the salary of the petitioner for the period from 12.04.2019 to 30.06.2023 within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

26.02.2024

Interest : Yes/No

Index: Yes/No

Speaking /Non-speaking order

Neutral Citation : Yes/No

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To

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G.K.ILANTHIRAIYAN, J.

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