



W.P.No.20145 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.20145 of 2013
and M.P.Nos.1 & 2 of 2013

1.V.Dakshinamoorthy
2.K.Thenmozhi

... Petitioners

Vs.

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

2.The District Elementary Educational Officer,
Nagapattinam, Nagapattinam District.

3.The Assistant Elementary Educational Officer,
Vedaraniyam Taluk, Nagapattinam District.

4.Aided Middle School,
Rep. by the Secretary K.Gurubalan,
Pushpavanam, Vedaraniyam Taluk,
Nagapattinam District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to take suitable and appropriate action against the fourth respondent for failure to



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disburse salary to the petitioners from February 2013 onwards, in violation of Section 27 and Rule 19 read with Annexure III of T.N.Recognised Private School Regulations Act 1973 and 1974 by issuing order of direct payment to the fourth respondent.

For Petitioners : Mr.S.N.Ravichandran

For Respondents 1 to 3 : Mr.T.M.Rajangam,
Government Advocate

For Respondent 4 : No appearance

ORDER

The petitioner has filed this writ petition to direct the respondents 1 to 3 to take suitable and appropriate action against the fourth respondent for failure to disburse salary to the petitioners from February 2013 onwards, in violation of Section 27 and Rule 19 read with Annexure III of T.N.Recognised Private School Regulations Act 1973 and 1974 by issuing order of direct payment to the fourth respondent.

2. The case of the petitioners is that they are husband and wife, working as a Secondary Grade Teacher in the fourth respondent school, which was started by the father of the first petitioner. After the demise of first



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petitioner's father, the school was governed by the brothers of the first petitioner. This being so, there was a family dispute between the first petitioner and his brothers in regard to the administration of school management and in order to take revenge for the same, the petitioners are denied with promotion by the fourth respondent school, though they are eligible for the promotional posts. Moreover, they had denied various benefits to the petitioners including annual increment, bonus, provident fund loan, super grade etc., and without the knowledge of the petitioners, the fourth respondent school has deducted amounts from the petitioners' monthly salary towards tax payment. Even the salary for the months of February to June 2013 was not paid to the petitioners. Aggrieved over the same, the petitioners have come forward with the present writ petition.

3. Learned counsel for the petitioners submitted that pursuant to the interim orders of this Court dated 19.09.2013 and 31.10.2013, the respondents have disbursed the salary to the first petitioner viz., V.Dakshinamoorthy and he has also got superannuated on 31.05.2018. However, the respondents are yet to pay the B.Ed., incentive arrears and annual increment from 01.04.2018.



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4. Learned counsel for the petitioners would further submit that the second petitioner viz., K.Thenmozhi has been deployed in another school and got voluntary retirement in the year 2023. In her case also, the salary has been paid pursuant to the interim orders of this Court dated 19.09.2013 and 31.10.2013.

5. Learned Government Advocate appearing for the respondents 1 to 3 submitted that in regard to the payment of B.Ed., arrears payable to the first petitioner, this Court may issue direction to the first petitioner to give a representation to the fourth respondent within a time frame to be fixed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In view of the above facts and circumstances of the case, this Court issues the following directions:

(i) The first petitioner is directed to give a representation in regard to



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the B.Ed., arrears to the fourth respondent within a period of three weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said representation, the fourth respondent is directed to forward the same to the second respondent for passing appropriate orders.

(iii) On such receipt of the representation forwarded by the fourth respondent, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the above observation and directions. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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J.SATHYA NARAYANA PRASAD,J.

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