



W.P.No.5667 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5667 of 2024

K.Rajkumar

... Petitioner

Vs.

1.The Chief Educational Officer,
Mayiladuthurai District,
Mayiladuthurai

2.The District Educational Officer(Secondary),
Mayiladuthurai District,
Mayiladuthurai

3.The Secretary,
K.S.O.Government Aided High School,
Manganallur,
Mayiladuthurai & District 609 404

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to pass orders granting salary to the petitioner in the post of Secondary Grade Teacher with fixation of pay on notional basis from the date of suspension on 18.05.2004 with corresponding fixation of pay as on date of reinstatement on 15.02.2019 without any backwages with continuity of service and to pay the revised salary from the date of reinstatement on 15.02.2019 in accordance with the orders passed in W.A.No.54 of 2019 dated 29.01.2019 along with interest for delay in payment within a time



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frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents

For R1 & 2 : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

This writ petition has been filed for direction to the respondents to consider the representation submitted by the petitioner seeking salary to the petitioner in the post of Secondary Grade Teacher with fixation of pay on notional basis from the date of his suspension on 18.05.2004 with corresponding fixation of pay as on the date of reinstatement on 15.02.2019 and re-fix salary in accordance with the court order passed in W.A.No.54 of 2019 dated 29.01.2019.

2. The petitioner was appointed as Secondary Grade Teacher on 02.06.1997 in Oriental Arabi High School, Aakur, Nagapattinam. It is a Government aided minority school. Thereafter, his appointment was duly approved and he was transferred on migration to the third respondent school on 27.08.1997. The transfer was also duly approved



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by the Department. When a vacancy arose in the post of B.T.Assistant(Maths) in the third respondent school with effect from 01.06.2004, the petitioner applied for promotion to tthe post of B.T.Assistant(Maths) since he is qualified with B.Sc.Maths and B.Ed. While being so, the petitioner was issued with charge memo on the allegation that the petitioner had attended Maths examination in Chidambaram during his Child Psychology Training period without permission. Therefore, the petitioner was suspended from service. The said charge memo was challenged before this Court in WP.No.18769 of 2004.

3. Though this Court granted interim order of stay, the petitioner was not paid any subsistence allowance during his suspension period. This Court by order dated 18.06.2018, quashed the charge memo and remitted the matter back to the respondents to consider the case afresh after providing an opportunity of hearing. Insofar as the remanding the matter back for fresh order, the petitioner filed writ appeal in WA.No.54 of 2019. The Hon'ble Division Bench of this Court passed



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order dated 29.01.2019, after recording the submissions made by the third respondent that the petitioner would be reinstated as Secondary Grade Teacher without backwages but with continuity of service. Accordingly, the petitioner was reinstated on 15.02.2019 in the post of Secondary Grade Teacher. However, he was not paid for several months on the ground of getting clarification from the Department. Therefore, the petitioner filed contempt petition before this Court. In the month of December 2019, he was paid with salary from the date of reinstatement with fixation of pay as per the last drawn salary in the year 2004. However, the petitioner was not granted with fixation of pay on notional basis with continuity of service and with monetary benefits from the date of his reinstatement into service as per the order passed by this Court. Therefore, the petitioner submitted representation and it is pending.

4. Considering the above facts and circumstances of the case, the respondents are directed to fix the salary to the petitioner on notional basis with continuity of service and with monetary benefits from the date of reinstatement into service and disburse arrears of salary within a period of twelve weeks from the date of receipt of copy of this order.



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5. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

05.03.2024

Neutral citation:Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Chief Educational Officer,
Mayiladuthurai District,
Mayiladuthurai
- 2.The District Educational Officer(Secondary),
Mayiladuthurai District,
Mayiladuthurai
- 3.The Secretary,
K.S.O.Government Aided High School,
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