



WEB COPY

W.A.No.1132 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.1132 of 2020

A.Sahayam

... Appellant

Vs.

1.The Chief Educational Officer,
Pannayar Street,
Manjakuppam,
Cuddalore – 607 001.

2.The District Educational Officer,
Pannayar Street,
Manjakuppam,
Cuddalore – 607 001.

3.The Correspondent,
St. Joseph's Higher Secondary School,
Manjakuppam,
Cuddalore – 607 001.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to allow the writ appeal by setting aside the Learned Judge's Order dated 12.12.2019 dismissing the writ petition in W.P.No.16686 of 2019.



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For Appellant : Mr.V.M.Venkataramana
For R1 & R2 : Mr.E.Sundaram
Government Advocate
For R3 : Mrs.A.Arul Mary
For M/s.Father Xavier Associates

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ appeal has been instituted challenging the order dated 12.12.2019 passed in W.P.No.16686 of 2017.

2. The writ petitioner is the appellant before us. The writ petition was instituted to direct the respondents therein to enter petitioner's service register from 01.02.1988 and consequently to pay petitioner's arrears of salaries of Rs.4,73,075/-.

3. The appellant would submit that he was appointed as P.G.Assistant (Chemistry) in the year 1987 in St. Joseph's Higher Secondary School, Manjakuppam, Cuddalore, which is a minority aided school.



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4. The learned counsel for the appellant would submit that for the period of three months the grant in aid was not sanctioned to the petitioner and the school took up the matter to the Government for sanctioning of grant in aid, which was not materialised. Thereafter, the writ petition was filed by the school itself. However, the grant in aid was not granted thereafter.

5. Admittedly, the appointment of the appellant was approved from 04.06.1997. It is not in dispute that the grant in aid was sanctioned and the salary was paid to the appellant with effect from 04.06.1997. The date of approval of appointment of the appellant remains unchallenged. The petitioner attained the age of superannuation and retired from service on 31.05.2023.

6. The claim of the petitioner is that the grant in aid must be sanctioned for the period from 1987 to 1997 and arrears of salary of Rs.4,73,075/- is to be paid.

7. We don't find any force in the contentions raised on behalf of the



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appellant. Admittedly, the approval of appointment of the appellant with effect from 04.06.1997 has not been challenged. Now at this length of time, this Court cannot consider the case of the appellant for granting retrospective approval of appointment with effect from 1987 for the purpose of sanction of grant in aid and pay salary to the appellant. However, the date of approval of appointment is the material fact, which is to be taken into consideration for the purpose of sanctioning grant in aid and to pay salary to the teaching and non-teaching staffs in aided schools.

8. The date of approval of appointment became final and it is not in dispute that appellant is receiving salary from the said date and all the retiral benefits are also settled. That being the factum, we do not find any infirmity in respect of the order passed by the learned Single Judge in the writ petition and consequently, the Writ Appeal stands dismissed. No costs.

[S.M.S., J.] [C.K., J.]
12.06.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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