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W.P. Nos. 31410 of 2018 & 17489 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. Nos. 31410 of 2018 & 17489 of 2018

and

W.M.P. No. 36604, 20770 of 2018 & 13059 of 2019

W.P. No. 31410 of 2018

Sri Kannika Parameswari
Aided Primary School,
Tiruvannamalai – 606 601,
Tiruvannamalai District,
Rep., by its Manager,
T. Sathyanarayanan

... Petitioner

Vs.

1.The District Educational Officer,
Tiruvannamalai – 606 601,
Tiruvannamalai District.

2.The Block Educational Officer,
Tiruvannamalai – 606 601,
Tiruvannamalai District.

3.G.A. Rajkamal

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to pay the subsistence allowance to the third respondent from the month of January 2018 by taking into account the representation of the petitioner dated 19.07.2018 received through the second respondent on 24.07.2018 within a time frame stipulated by this Court.



W.P. Nos. 31410 of 2018 & 17489 of 2018

For Petitioner : Ms. Dhakshayani Reddy, Senior Counsel
for Mr. L.G. Shahadevan
For Respondents : Ms. P. Rajarajeswari,
Government Advocate for RR1 & 2
Mr. V. Ajay Khose, for R3

W.P. No. 17489 of 2018

G.A. Rajkamal

... Petitioner

Vs.

1. The District Educational Officer,
Tiruvannamalai District.
Tiruvannamalai.

2. The Block Educational Officer,
Tiruvannamalai District,
Tiruvannamalai – 606 601.

3. The Manager,
Sri Kannika Parameswari Aided Primary School,
Tiruvannamalai District – 606 601.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in R.C. No. 38/2017 dated 27.10.2017 issued by the third respondent and the order in Na.Ka.No.5244/A1/2017 dated 06.11.2017 issued by the first respondent, quash the same and consequently direct the respondents to reinstate the petitioner in service with effect from 25.10.2017 with salary and all other consequential benefits by treating the period from 25.10.2017 to the date of actual reinstatement paid to the petitioner for the period from 25.10.2017 to 24.12.2017.



For Petitioner : Mr. V. Ajay Khose

For Respondents : Ms. P. Rajarajeswari,
Government Advocate for RR1 & 2
Ms. Dhakshayani Reddy, Senior Counsel
for Mr. L.G. Shahadevan , for R3

COMMON ORDER

W.P. No. 31410 of 2018 is filed seeking a writ of mandamus, to direct the first respondent to pay the subsistence allowance to the third respondent from the month of January 2018 by taking into account the representation of the petitioner dated 19.07.2018 received through the second respondent on 24.07.2018 within a time frame.

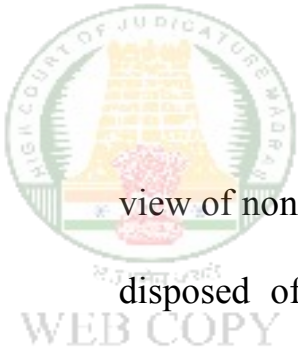
2. W.P. No.17489 of 2018 is filed seeking a writ of certiorarified mandamus, to call for the orders in R.C. No. 38/2017 dated 27.10.2017 issued by the third respondent and the order dated 06.11.2017 issued by the first respondent and to quash the same and for a consequential direction to the respondents to reinstate the petitioner in service with effect from 25.10.2017 with salary and all other consequential benefits by treating the period from 25.10.2017 to the date of actual reinstatement.



3. Heard the learned counsel for the petitioner in W.P. No. 17489 of 2018 and the third respondent in W.P. No.31410 of 2018, the learned Senior Counsel appearing for the petitioner in W.P. No.31410 of 2018 and the learned Government Advocate for the official respondents in both writ petitions and carefully perused the materials available on record.

4. The facts of the case leading to filing the writ petition are herein under: -

The petitioner in W.P. No. 17489 of 2018 was appointed as Secondary Grade Teacher in the year 2008. On 27.10.2017, based on the proceedings dated 26.10.2017 issued by the Additional Assistant Elementary Educational Officer, wherein it was informed by the Deputy Superintendent of Police, Tiruvannamalai about the involvement of the petitioner and his arrest in a criminal case in Crime No.114 of 2007 about the commitment of suicide by his wife, the petitioner was suspended with effect from 25.10.2017 by the School Management for involvement of the petitioner in criminal case. The District Educational Officer, granted approval of suspension order and ordered for subsistence allowance for a period of two months. Thereafter, the School Management submitted a representation dated 19.07.2018 through the second respondent to the first respondent for the payment of subsistence allowance to the petitioner, for which the Educational Department has to sanction money and disburse and it is not the responsibility of the Management to pay from their funds in



view of non applicability of Section 22. The said representation is not considered and disposed of by the authorities of the Educational Department. Accordingly, the School Management constrained to file W.P. No. 31410 of 2018 against the inaction of the Educational Department authorities in considering their representation dated 19.07.2018.

5. In W.P. No. 17489 of 2018, the petitioner / Teacher who was suspended seeking to quash the suspension order dated 27.10.2017 and the order dated 06.11.2017 wherein approval of suspension order was granted by the first respondent are under challenge. In the said writ petition, the petitioner is seeking consequential relief for reinstatement into the service.

6. During the course of hearing of both writ petitions, on 12.09.2024, on careful examination of the facts and circumstances of the case, this Court expressed its view that continuing the petitioner under suspension since 2017 onwards without any further proceedings is unreasonable and the hardships being faced by the petitioner who is under suspension since 2017 onwards will not be restricted only to the petitioner and the minor daughter of the petitioner is the real sufferer because, she lost mother and the father is out of employment from 2017 onwards. Without paying subsistence allowance also to the petitioner by Educational Departmental



authorities, the petitioner may not in a position to see the welfare of his minor daughter. Hence, this Court advised the School Management to examine the issue of reinstatement of the petitioner considering his prolonged suspension.

7. During the course of hearing today, the learned Senior Counsel appearing for the School Management placed a copy of the order dated 04.10.2024, issued by the School Management. On perusal of the same, it appears that the order of suspension dated 27.10.2017 is revoked and it is also brought to the notice of the Court that the petitioner has joined to duties.

8. Under these factual position, in our considered opinion, it is appropriate to dispose of both the writ petitions without going into further merits of the case at this stage, with certain directions to the official respondents in both writ petitions to meet the interest of justice.

9. As already, the order of suspension dated 27.10.2017 has been revoked, no further orders are required on that issue. At present, the only issue to be considered is with regard to payment of the subsistence allowance of the salary to the petitioner for which, he is legally entitled. Already the School Management made a representation to the petitioner on that aspect. So, it is appropriate and reasonable to direct the



official respondents to consider the representation dated 19.07.2018 submitted by the School Management for the payment of subsistence allowance to the petitioner, by following due process of law, as expeditiously as possible to meet the interest of justice.

10. Accordingly, both the Writ Petitions are disposed of.

11. The first respondent in W.P. No. 31410 of 2018 i.e., the District Educational Officer, Tiruvannamalai District is hereby directed to examine and pass orders on the representation dated 19.07.2018 submitted by the School Management, by following due process of law, within a period of four weeks from the date of receipt of copy of this order.

12. The petitioner in W.P. No. 17489 of 2018 is at liberty to avail appropriate remedies to ventilate his grievances, if any, as per law.

13. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

22.10.2024

Index :Yes/No

Neutral Citation :Yes/No

AT



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W.P. Nos. 31410 of 2018 & 17489 of 2018

BATTU DEVANAND, J.

AT

To

1. The District Educational Officer,
Tiruvannamalai – 606 601,
Tiruvannamalai District.

2. The Block Educational Officer,
Tiruvannamalai – 606 601,
Tiruvannamalai District.

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