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W.P.(MD)No.18434 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.18434 of 2024

The Secretary,
School Committee,
Sri Meenakshi Girls Higher Secondary School,
Karaikudi,
Sivagangai District.

... Petitioner

Vs.

1.The District Educational Officer,
Sivagangai District.

2.V.Savithiri

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to disburse the subsistence allowance to the second respondent forthwith so as to enable the petitioner to proceed with the departmental enquiry without any further delay.

For Petitioner	: Mr.RM.Arun Swaminathan
For R1	: Mr.T.Amjadkhan
	Government Advocate

ORDER

Heard Mr.RM.Arun Swaminathan, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the first respondent.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner has filed this writ petition seeking a direction to the first respondent to disburse the subsistence allowance to the second respondent enabling the petitioner to proceed with the departmental enquiry.

4.The petitioner contended that the second respondent, who has been appointed as Secondary Grade Teacher in the petitioner School and promoted as PG Assistant, was placed under suspension with regard to the case registered against her regarding some money transaction. However, she was not paid with the subsistence allowance to effectively defend her case.

5.The learned Government Advocate for the first respondent submitted that the second respondent had filed a writ petition in W.P.(MD)No. 7640 of 2024 seeking a direction to the petitioner School Management to pay the subsistence allowance and a direction was also issued to the School Management to pay the subsistence allowance. However, the present writ petition has been filed by the School seeking the subsistence allowance from the first respondent. Payment of subsistence allowance to the second respondent is the liability of the petitioner School, since the second respondent is being paid



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by the Management. Therefore, the first respondent cannot act contrary to the earlier direction issued by this Court.

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6.Having considered the submissions made on either side, I do not find that the order passed by this Court in the writ petition filed by the second respondent in W.P.(MD)No.7640 of 2024 in any way will affect the direction to be issued in this writ petition. The representation submitted by petitioner dated 15.04.2024 is pending with the first respondent. Hence, it is for the first respondent to take a call on the said representation and pass necessary orders.

7.In view of the above, this writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 15.04.2024 on its own merits and pass orders in accordance with law and taking note of the earlier direction issued by this Court within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the first respondent to consider the same on its own merits. No costs.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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R.N.MANJULA, J.

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To

The District Educational Officer,
Sivagangai District.

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