



W.P.(MD) No.21314 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.21314 of 2021

G.Sundari

... Petitioner

Vs.

1.The Director of Elementary Education
College Road
Nungambakkam, Chennai

2.The District Collector
Thanjavur District

3.The District Elementary Educational Officer
Thanjavur District
Thanjavur

4.The Block Level Elementary Educational Officer
Thiruvaiyaru
Thanjavur District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents No.3 and 4 herein to disburse the salary to the petitioner from the month of October



WEB COPY



W.P.(MD) No.21314 of 2021

For Petitioner : Ms. C.Kayalvizhi

For Respondents : Mr.V.Om Prakash, Govt.Advocate

ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus, directing the respondents 3 and 4 to disburse the salary of the petitioner from the month of October 2020.

2. According to the petitioner while she was working as Headmaster in the Panchayat Union Primary School, Melathrupanthurthi (East), Thiruvaiyaru Taluk, she was sent on deputation from the Melathrupanthurthi (East), Thiruvaiyaru Taluk to Panchayat Union Primary school, Maharajapuram, Thiruvarur Taluk, Thanjavur District. Certain teachers who are working along with her have made certain complaints against the petitioner and thereby she has also approached the National Human Rights Commission, Delhi alleging that the respondents 3 and 4 have stopped paying the salary to the petitioner from the month of October 2020 inspite of the petitioner making repeated representations. Complaining non payment of salary the petitioner has approached this court by filing the



W.P.(MD) No.21314 of 2021

present Writ Petition.

WEB COPY

3. The 4th respondent filed a counter affidavit contending that the salary was paid to the petitioner till the month of January 2021 and thereafter the petitioner stopped attending office or her duties till date as such no salary claimed bill raised in respect of the petitioner. Further, it is also stated that on certain allegations, disciplinary proceedings were also initiated against the petitioner but the petitioner failed to respond to the disciplinary proceedings initiated against her.

4. Be that as it may, the disciplinary proceedings said to have been initiated against the petitioner is not the subject matter of this Writ Petition. The relief sought by the petitioner is only for payment of salary from the month of October 2020. Though the petitioner claimed to have submitted various representations to the Director of School Education etc., there is no proper claim made by the petitioner for payment of salary and there is nothing stated in the said representations as to why the petitioner is not attending her duties.



W.P.(MD) No.21314 of 2021

5. In the circumstances, this court is not inclined to examine the matter on merits and instead is of the considered view that it would be appropriate if the petitioner is permitted to file a fresh representation before the respondents 3 and 4 claiming for salary as claimed in the present Writ Petition.

6. Accordingly, the Writ Petition is disposed of permitting the petitioner to submit a detailed representation before the respondents 3 and 4 within a period of six weeks from the date of receipt of a copy of this order. In case, if any such representation is submitted, the same shall be considered on its own merits by the respondents 3 and 4 and appropriate orders be passed as expeditiously as possible at any rate within a period of six weeks from the date of submission of representation by the petitioner. There shall be no order as to costs.

19.03.2024

NCC : Yes/No
Index : Yes/No
kpr



W.P.(MD) No.21314 of 2021

WEB COPY

To

1.The Director of Elementary Education
College Road
Nungambakkam, Chennai

2.The District Collector
Thanjavur District

3.The District Elementary Educational Officer
Thanjavur District
Thanjavur

4.The Block Level Elementary Educational Officer
Thiruvaiyaru
Thanjavur District



WEB COPY



W.P.(MD) No.21314 of 2021

MUMMINENI SUDHEER KUMAR, J.

kpr

W.P.(MD)No.21314 of 2021

19.03.2024