



W.P.(MD)No.29470 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.29470 of 2023

and

W.M.P.(MD)No.25438 of 2023

K.Senthilvel Murugan

... Petitioner

Vs.

1.The Director of School Education,
O/o.The Director of School Education,
DPI Campus, Chennai-6.

2.The Joint Director of School Education,
(Higher Education),
DPI Campus, Chennai-6.

3.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

4.The District Educational Officer,
O/o.the District Educational Office,
Srivilliputhur,
Virudhunagar District.

5.The Secretary,
Nadar Higher Secondary School,
Zamin Kollankondan,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Mandamus, to direct the respondents to sanction and disburse the annual increments and all other monetary benefits from the year 2001 onwards by consonance with the proceedings of the fourth respondent vide his proceedings in O.Mu.No.3375/A1/2021 dated 22.10.2021 within a period that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates
For R1 to R4 : Mr.M.Sidharthan
Additional Government Pleader

ORDER

Heard Mr.S.Mohamed Suhail, learned counsel for the petitioner and Mr.M.Sidharthan, learned Additional Government Pleader for the respondents 1 to 4.

2. The petitioner has filed this writ petition for a writ of mandamus to direct the respondents to sanction and disburse the annual increments and all other monetary benefits from the year 2001 onwards in consonance with the proceedings of the fourth respondent vide his proceedings in O.Mu.No. 3375/A1/2021 dated 22.10.2021 within a period that may be stipulated by this Court.

3.The petitioner was appointed as a P.G.Assistant (Commerce) at the fifth respondent School. Since the petitioner had initiated legal proceedings



against the Management regarding his promotion to the post of Headmaster, the Management issued an order stating that except the monthly salary, no other service benefits will be given to the petitioner. The said order was set aside by this Court in a writ proceedings filed by the petitioner. Thereafter, the fourth respondent vide his proceedings dated 26.10.2021 had directed the fifth respondent/School to take action for disbursement of the annual increments and other monetary benefits from 2001 to the petitioner. Since the same was not considered so far, the petitioner has filed this writ petition with the aforesaid prayer.

4.It is true that the petitioner's monetary benefits were withheld by the School Management. However, the said order was quashed by this Court in W.P.(MD)No.2228 of 2009 by order dated 12.04.2016. The fourth respondent had also directed the School Management to disburse all the monetary benefits to the petitioner from the year 2001. There is a duty cast upon the fifth respondent School Management to act on the direction issued by the fourth respondent instead of keeping the same pending indefinitely. The failure on the part of the fifth respondent had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given



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with a direction to consider the claim made by the petitioner within a time frame.

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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the claim made by the petitioner in consonance with the proceedings of the fourth respondent dated 22.10.2021 on its own merits and pass appropriate orders in accordance with law, 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 respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

08.07.2024

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

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