



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29-07-2025

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THE HONOURABLE MR.JUSTICE K. SURENDER

WP NO. 27800 of 2016

AND

WMP NO. 5651 OF 2018

Aided Primary School,
Rep by its Manager N.Vellaiyan, Pallakollai,
Kammapuram Union, Cuddalore District

Petitioner(s)

Vs

- 1.The Director of Elementary
Education, College Road, Chennai-6
2. The District Elementary
Education Officer, Cuddalore, Cuddalore District
3. The Assistant Elementary
Education Officer, Kammapuram Union, Cuddalore District
4. Thiru.Arivazhagan,(in personal Capacity),
Additional Assistant Elementary Educational Officer,
Kammapuram Union, Cuddalore District
5. The Additional Assistant
Elementary Educational Officer, Parangipettai,
Cuddalore District

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the entire records connected with the impugned order of the second respondent passed in Na.Ka.No.2573/A2/2015, dated 29/07/2016 and quash the same.



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For Petitioner : Mr.S.N.Ravichandran

For Respondents : Ms.P.Rajarajeswari, GA for R1 to 3 & 5

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorari, to call for the entire records connected with the impugned order of the second respondent passed in Na.Ka.No.2573/A2/2015, dated 29.07.2016 and quash the same.

2.Petitioner is an Aided Primary School. The second respondent, who is the District Elementary Education Officer has issued the impugned order dated 29.07.2016 in Na.Ka.No.2573/A2/2015, ordering for direct payment of salaries to the accounts of the teachers and other employees of the petitioner school.

3.Aggrieved by the said orders, the petitioner school approached this Court. Interim order was passed by this Court on 09.08.2016, granting interim stay of the proceedings of the second respondent, dated 29.07.2016 in Na.Ka.No.2573/A2/2015. Thereafter, the respondents filed a petition to vacate the interim stay granted by this Court on 09.08.2016 in WMP No.23980 of 2016.



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4. This Court, vide order dated 24.11.2017, made the interim order granted on 09.08.2016, absolute. Further, this Court directed that the petitioner shall file a compliance report, in respect of settlement of the benefits payable to the Teachers and Staff members.

5. Pursuant to the interim orders passed by this Court, the proceedings dated 28.12.2017 were issued by the second respondent, withdrawing the impugned order dated 29.07.2016, subject to the outcome of the present Writ Petition.

6. The learned counsel for the petitioner would submit that after the interim order was passed by this Court, the amounts are being credited to the petitioner/school account and in turn, the management of the petitioner school has been disbursing the salaries to the teachers and staff members. This process has been going on for the past eight years.

7. The learned Government Advocate for the respondents, on the other hand, would submit that there were allegations of not paying the salaries to



the teachers and other staff members and also misappropriation of funds.

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8. When a specific question was put by this Court as to whether any complaint was made by any of the staff members after the interim orders of this Court, the learned counsel for the respondents would fairly submit that there was no complaint for the past eight years. The petitioner school has been running smoothly, pursuant to the interim orders passed by this Court during the year 2016-17. In view of the admission of the learned Government Advocate for the second respondent that there were no complaints, pursuant to the interim orders passed by this Court, no useful purpose would be served if the prayer of the petitioner school is rejected. In view of the present situation, this Court deems it appropriate to set aside the impugned order and accordingly, set aside.

9. The petitioner succeeds and the Writ Petition is allowed. Needless to say that in the event of any kind of mis-use of the funds by the petitioner/ school or there being any complaint by any of the teachers or employees of the petitioner school regarding non payment of salaries, the second respondent is always at liberty to proceed against the petitioner school in



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accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

(K.SURENDER,J)

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Index : Yes/No

Speaking order: Yes/No

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K. SURENDER, J



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Writ Petition No.27800 of 2016

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