



W.A(MD) No.179 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD)No.179 of 2020
and C.M.P(MD)No.1265 of 2020**

Augustin Devaseelan

... Appellant

-VS-

1. The Secretary,
Department of School Education,
State of Tamil Nadu, Secretariat,
Fort St.George, Chennai 9.

2. The Chief Educational Officer,
Thoothukudi.

3. The District Educational Officer,
Thoothukudi.

... Respondents

PRAYER: Writ Appeal filed under Section 15 of Letters Patent praying to set aside the order dated 25.11.2019 passed in WP(MD).No.19370 of 2019 on the file of this Court by allowing this appeal.

For Appellant : Mr.A.Arunprasad

For Respondents : Mr.T.Amjadkhan,
Government Advocate.



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JUDGMENT

(Judgment of the Court was delivered by ***R.Vijayakumar, J.***)

The petitioner in W.P.(MD)No.19370 of 2019 has filed the present Writ Appeal challenging the dismissal of his Writ Petition, wherein he had challenged the order of deployment.

2. The appellant herein, who was working as a Secondary Grade Teacher in Panchayat Union Primary School, Therku Valavallan, Srivaikuntam Block, Thoothukudi District, was issued with a deployment order on 30.08.2019 to join in Panchayat Union Middle School, Perungulam, Srivaikuntam Block, Thoothukudi District. This order was put to challenge by the Writ Petitioner in W.P.(MD)No.19370 of 2019. Pending Writ Petition, the appellant had the benefit of interim order. The Writ Petition came to be dismissed along with a batch of cases on 25.11.2019.

3. The appellant herein had challenged the order passed by the Writ Court in Writ Appeal (MD)No.179 of 2020. Interim order was granted on 06.02.2020, staying the order of deployment. Since the



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appellant was not accommodated in the parent school, the appellant had filed Cont.P.(MD)No.469 of 2020. The said Contempt Petition was closed on 14.07.2020, granting liberty to the appellant to work out his remedy, in case if he succeeds in the Writ Appeal.

4. The appellant herein had filed W.P.(MD)No.6725 of 2023, seeking mandamus directing the authorities to accommodate him in any one of the schools, where there is a vacancy, based upon his representation dated 22.11.2021. This Writ Petition was disposed of on 05.04.2023, directing the authorities to consider his representation and pass orders. In compliance with the order of this Court in W.P.(MD)No. 6725 of 2023, dated 05.04.2023, the appellant was accommodated in a different school and he joined there on 27.08.2023 and he is receiving salary from the said date onwards.

5. The grievance of the appellant is that he had not received salary from 06.02.2020 till 27.07.2023, during the period when the interim order of this Court was not complied with by the educational authorities. According to him, the interim order was not complied with and when he attempted to join in the transferred deployed school, the



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said school was also closed. However, no fresh order was issued by the authorities directing him to join in a different school. Only after he had approached this Court in W.P.(MD)NO.6725 of 2023, orders were passed by the authorities, deploying him to a different school. Therefore, for the above said period, he is entitled to receive the salary.

6. Per contra, the learned Government Advocate appearing for the respondents had contended that before the interim order was passed by the Division Bench, the appellant was relieved and therefore, the appellant cannot make any claim for salary for the period of his non-employment

7. We have carefully considered the submissions made on either side and perused the materials on record.

8. The order of deployment was stayed during the pendency of the writ proceedings till 25.11.2019. The Division Bench has also granted interim order on 06.02.2020, staying the operation of the order impugned in the Writ Petition. However, the authorities have chosen not to comply with the interim order for the reasons best known to them.



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Even though the authorities were aware of the fact that the school to which the appellant has been deployed, had been closed, they have not taken any steps to issue any fresh orders for deploying the appellant to a different school. In such circumstances, the authorities are liable to pay the salary for the period between 06.02.2020 till 27.07.2023.

9. In view of the above said deliberations, this Writ Appeal is disposed of with a direction to the respondents to pay salary and attendant benefits to the appellant for the period between 06.02.2020 to 27.07.2023, within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[C.V.K., J.]

[R.V., J.]

25.10.2025

NCC : Yes / No
Index : Yes / No
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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

vsm

To

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