



W.P(MD)No.19729 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.11.2025

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THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

WP(MD)No.19729 of 2019

and

W.M.P(MD)Nos.16216 of 2019 and 9341 of 2020

Fidelis Valdaris

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 006.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Thoothukudi District,
Seena Vana Government Higher
Secondary School Campus,
Thoothukudi-628 002.
- 4.The District Educational Officer,
Thoothukudi Educational District,
Seena Vana Government
Higher Secondary School Campus,
Thoothukudi-628 002.
- 5.The Secretary
Spic Nagar Higher Secondary School,
Spic Nagar (Post)-628 005,
Thoothukudi & District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the fifth respondent school namely, Spic Nagar Higher Secondary School, Thoothukudi dated 24.08.2018, quash the same and further direct the fifth respondent school to disburse a sum of Rs.4,01,658/- with interest to the petitioner towards the arrears of VIth Pay Commission implementation during the petitioner's wife's service period from 01.01.2007 to 31.05.2010 and arrears of Gratuity.

For Petitioner : Mr.S.Xavier Rajini

For R1 to R4 : Mr.J.Ashok
Additional Government Pleader

For R5 : Mr.C.Karthikeyan
for Mr.M.R.Srinivasan

ORDER

The present Writ Petition has been filed challenging the Pay Parity as well as Gratuity.

2. The learned counsel appearing for the petitioner would fairly admit that the fifth respondent do not receive any grant-in-aid from the Government. It is well settled principle of law that since because some regulatory machanism is in existence and controlled by the Government, does not mean that even against the private Educational Institution, the writ



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petition will be maintainable. In the case on hand, since the fifth respondent is admittedly Private Educational Institution and is not receiving any grant-in-aid. Therefore, as per the judgment of the Hon'ble Supreme Court of India in the case of *ST.Mary's Education Society vs. Rajendra Prasad Bhargava* reported in *(2023) 4 Supreme Court Cases 498*, the writ petition will not lie.

3. In view of the above position, the present writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

4. The dismissal of the writ petition will not affect the right of the petitioner to claim Gratuity in an appropriate forum in accordance with law.

05.11.2025

Index : Yes/No
Neutral Citation : Yes/No
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C.KUMARAPPAN, J.

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