



WEB COPY



WP(MD)No.20494 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.20494 of 2025 &
WMP (MD).No.15869 of 2025

Sakthivel

... Petitioner

/vs./

1.The Joint Director of School Education,
School Education Department,
Chennai.

2.The Chennai Educational Officer,
Ramanathapuram District,
Ramanathapuram.

3.The District Educational Officer,
Ramanathapuram District,
Ramanathapuram.

4.The Head Master,
Government High School,
Vilankulathur, Ramanathapuram District.

5.The Head Master,
Government High School,
Valinokkam,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for records relating to the impugned order passed by the second respondent in O.Mu.No.1653/Aa4/2025,



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dated 11.03.2025 and quash the same as illegal and consequently direct the 1st respondent to pay my salary arrears from 03.09.2019 to 18.11.2024 other monetary and consequential benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.N.Satheesh Kumar A.G.P

ORDER

The Writ Petition had been filed to quash the impugned order passed by the 1st respondent, dated 15.10.2025.

2.Heard Mr.M.Jerin Mathew, learned counsel appearing for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents.

3. Mr.M.Jerin Mathew, learned counsel for the petitioner would submit that the petitioner was appointed as BT Assistant (Maths) in the year 2011 in the Government Higher Secondary School and thereafter, he had been transferred to various places and has been now working in the fourth respondent school. On 03.09.2019, when the petitioner went to the school, he had received a message through Whats-App from the Head Master of the fifth respondent school calling



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upon him to meet the third respondent. He was not permitted to sign in the attendance register and thereafter, the petitioner has also made a representation to the official respondent seeking appropriate steps to take action against the then District Educational Officer and the Head Master of the fifth respondent school for illegally restraining him from discharging his duties.

4. A charge memo was issued to him on 15.09.2020 alleging that the petitioner was absent without any instructions from 03.10.2019. A further charge memo was issued on 24.02.2022, for the very same delinquency. As no action was initiated on the representation, the petitioner had filed a Writ Petition in W.P.(MD).No.20943 of 2022, wherein this Court had directed the authorities to permit the petitioner to attend duty from 11.03.2020 onwards. Even though, such an order was passed, only by communication dated 02.01.2024, the second respondent had called upon the petitioner to send a joining request to the first respondent and immediately on receipt of the same, the petitioner had also sent a letter on 17.01.2024, to permit him to join duty with effect from 11.12.2023. By proceedings dated 07.03.2024, the first respondent had permitted the petitioner to join duty in the fourth respondent school subject to the pendency of the disciplinary proceedings and only by proceedings dated 12.04.2024, the same had been directed to be communicated to the fourth and the fifth respondents and the



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said proceedings was not even served upon the petitioner. The said proceedings came to the knowledge of the petitioner only by way of a reply to the petitioner's request under the RTI Act. However, by order dated 17.10.2024, the first respondent had called upon the petitioner to join duty within a period of 7 days otherwise action would be initiated. On receipt of the said communication, the petitioner had also joined duty, however, salary had not been paid to the petitioner from 03.09.2019 till 18.11.2024. Therefore, he had made a representation on 14.02.2025 and the same had been rejected. Challenging the same, the petitioner had approached this Court in the instant Writ Petition and seeks indulgence of this Court.

5. Countering his arguments, Mr.N.Satheesh Kumar, learned Additional Government Pleader would submit that the petitioner was sent a communication dated 02.04.2024, calling upon him to join duty on 04.04.2024 and to support the same, he had also produced the Despatch Register available with the Department. In spite of which the petitioner had failed to join duty and therefore, by further proceedings in the month of October 2024, he had been called upon to join duty within 7 days. Even to that the petitioner had joined duty only after a month. He would submit that the prayer in the petition cannot be granted for the simple reason that the petitioner also seeks salary for the period of absence for which the



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charge memo has been issued. Therefore, he prays this Court to dismiss the Writ

Petition.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

7. Admittedly, by an order dated 08.12.2023, this Court had directed the authorities to permit the petitioner to join duty from 11.12.2023. No reasons has been attributed by the respondents as to why the said order has not been complied with and that only in the month of April 2024, a communication was sent to the petitioner to join duty. Even though, the petitioner refutes the receipt of such communication, the Despatch Register placed before this Court would indicate that the same had been sent to the petitioner under a Registered Post on 04.04.2024. The petitioner in his affidavit even though claimed ignorance of such communication, this Court presumes that such communication has been sent to the petitioner, as the same had been sent through Registered Post on 04.04.2024.

8. Be that as it may, even to the communication dated 17.10.2024, the petitioner had joined duty on 18.11.2024 which shows laxity on the part of the petitioner. As rightly pointed out by the learned Additional Government Pleader



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that the salary for the period for which the charge memo had been issued can only be decided after the disposal of the disciplinary proceedings initiated in that regard. As this Court had already directed the authorities to permit the petitioner to join duty from 11.03.2023, the petitioner is entitled for salary from 11.12.2023 till 04.04.2024, when the communication to join duty was despatched from the office of the first respondent.

9. In such view of the matter, the Writ Petition stands partly allowed, there shall be a direction to the respondents to disburse the salary of the petitioner from 11.12.2023 to till 04.04.2024 within a period of four (4) weeks from the date of receipt of a copy of this order. The salary for the period from 04.04.2024 to 18.11.2024 shall also be decided during the disposal of the disciplinary proceedings that is pending against the petitioner. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
GBA



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K.KUMARESH BABU, J.

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