



W.A.(MD)No.295 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.295 of 2021

M.Kalaiselvi

...Appellant

/Vs./

- 1.The District Elementary,
Educational Officer,
Madurai.
- 2.The Additional Assistant,
Elementary Educational Officer,
Madurai South, South Town Street,
Madurai.
- 3.Sourashtra Higher Secondary School,
Rep.by its Correspondent,
Madurai.
- 4.Sourashtra Primary School,
Rep.by its Manager and
Correspondent,
Madurai-1.

... Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of the Letters Patent, to set aside the order dated 07.03.2018 made in W.P.(MD)No.9413 of 2012 on the file of this Court and thereby allow this appeal.



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For Appellant : Mr.P.Vinoth
for Mr.M.Saravanan
For R1 & R2 : Mr.J.Ashok
Additional Government Pleader
For R3 & R4 : Mr.Vasik Ali
for Mr.D.Nallathambi

JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

We see no merit in this writ appeal. The prayer in the writ petition is for a mandamus directing the Sourashtra Primary School/R4 to pay salary from 17.08.2011 to 08.01.2012 and earned leave encashment from 2009 to 2012 within the time frame fixed. The writ petition came to be closed on 07.03.2018 by way of a crisp order reading as follows:

“The grievances of the Writ Petitioner in respect of non- payment of salary has been redressed.

2.The learned counsel for the fourth respondent had submitted that the documents have shown that the payments due to the Writ Petitioner was already disbursed. However, if any other grievance exists, it is left open to the Petitioner to adjudicate the same, in the manner known to law.

3.With these observations, the Writ Petition stands closed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.”

2.Before us, Mr.P.Vinoth, learned counsel for Mr.P.Saravanan, learned counsel, states that the payments due to the writ petitioner are still outstanding. He contests the findings of the order of the writ Court



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that the payments due have already been disbursed. However admittedly, no review has been filed seeking correction of the error, if any, in the order of the writ Court. That apart, he would draw our attention to para 7 of the counter affidavit filed by the third and fourth respondents pointing to alleged inconsistencies in the statements therein.

3.Mr.Ashok, learned Additional Government Pleader, appearing for R1 and R2 and Mr.Vasik Ali, learned counsel for R3 & R4 would defend the order of the writ Court reiterating that whatever was due to the petitioner has been paid.

4.We have heard all the learned counsel.

5.Both the official authorities as well as the School have filed counters before the writ Court and their stand is in alignment, in the sense that it is their consistent case that the appellant had gone on medical leave for long periods.

6.Para 4 of counter dated Nil.Augst, 2012 filed by R1 is extracted below:

4.It is submitted the petitioner joined the 4th respondent school on 09-02-2011. She went on leave on medical grounds on 12.02.2011 a day after the she joined the 4th respondent School. It is understood that the petitioner was on prolonged leave on medical grounds. She rejoined only on 16.08.2011. In view of the prolonged leave on medical certificate, it was inevitable for the management to refer the Medical Board for second medical opinion for sanction of leave on medical grounds. However no proposals



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either for the sanction of leave or to regularize the period spent on leave have been received from the management. The 2nd respondent can act only on receipt of proposals from the 4th respondent school.”

7. Para 5 of the Counter, dated 15.02.2018 of the School is extracted as follows:

“5.I further submit that in the original prayer the Petitioner seeks a direction to regularize the leave period of her, based on the Medical Board Report and also pay salary within a time fixed by this Hon'ble Court. Since the petitioner appeared before the Medical Board and the medical board also considered three spells of Medical Leave which does not exceed 59 days, that is, from 31.03.2011 to 15.07.2011. Thus the Petitioner's medical leave was regularized and accordingly her arrears of salary from 10.02.2011 to 14.12.2012 (except 18.08.2011 to 08.01.2012 the period of absent) also claimed and distributed to her. In the mean time the Petitioner has obtained employment through Teachers Recruitment Board and relieved from the 4th Respondent school on 14.12.2012 (afternoon). On that date also the Petitioner had not claimed anything for the period 18.08.2011 to 08.01.2012. The petitioner also submitted income tax calculation statement for the period 2011-2012 in which she herself omitted to state the salary for 16 days in August 2011, September to January 2012, 8 days. Thus the petitioner is also fully aware that she is entitle to claim the salary fro the period during which she had not attended the school, on the Principle of NO WORK NO PAY. As already stated above the Educational Authorities also made endorsements in the attendance register and fully aware that she had not attended the school without any information. Now as an afterthought, though the original prayer was complied during the year 2013 itself, as an afterthought the petitioner had filed the petition to amend the prayer.”

8.No rejoinder has been filed to the Counter affidavits and hence, clearly there is a dispute as far as the facts are concerned. More so, the prayer of the petitioner is for a mandamus simplicitor and there is



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a limit to which this Court may ascertain facts in a writ petition. Hence, we find no infirmity whatsoever in order dated 07.03.2018, which is impugned before us. If at all the petitioner believes that she is entitled for any payment, it is for her to make a detailed representation before the authorities and put forth her case. Liberty is granted for her to do so.

9. With this, the present Writ Appeal is dismissed. No costs.

[A.S.M.J.] & [C.K.J.]
14.10.2025

Index : Yes/No

Internet : Yes

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To

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