



Rev.Aplc.(MD)No.46 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Rev.Aplc. (MD) No.46 of 2025
against W.A.(MD) No.609 of 2013

1. The District Elementary Educational Officer
Tirunelveli.
2. The Additional Assistant Elementary Educational Officer
Vasudevanallur
Tirunelveli District. .. Applicants

Vs.

1. J. Gnana Pushpam
2. The Correspondent
Appavu Primary School, Arulachi
Vasudevanallur Range, Sivagiri Taluk
Tirunelveli District - 627 760. .. Respondents

Prayer: Petition filed under Order XLI Rule 1 and 2 of Code of Civil Procedure
r/w Section 114 of Code of Civil Procedure, against the order dated 15.03.2023
made in W.A.(MD) No.609 of 2013.



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For the Applicants : Mr.J.Ashok
Additional Government Pleader

For the Respondents: Mr.F.X.Eugene for R1

ORDER

(Order of the Court was authored by R.SURESH KUMAR, J.)

This review application has been filed against the order passed by the Division Bench dated 15.03.2023 made in W.A.(MD) No.609 of 2013. In fact, it was a common order passed by the Division Bench in respect of three writ appeals, where, ultimately, a set of directions have been given by the Division Bench in the said order.

2. Mr.J.Ashok, learned Additional Government Pleader appearing for the review applicants would submit that the review applicants are aggrieved only with regard to the directive (v) of paragraph 24 of the order dated 15.03.2023.

The directive (v) of paragraph 24 of the order reads thus:-

"v. Whatever be the outcome of the decision, insofar as the subsistence allowance payable to the teacher is concerned, from the date of original suspension i.e., from 03.01.2011 till 08.12.2011 the date on which interim order was passed regarding conduct of enquiry on the Writ Petition in W.P.



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(MD) No.13936 of 2011 filed by the teacher herself, the teacher would be entitled to get the subsistence allowance. Therefore, the same shall be calculated and be paid by the school management and in this case if the school management is not in a position to pay the subsistence allowance because there is no effective school management available as of now, the department can pay the same and get it reimbursed from the school management once the school management takes office. The same shall be complied with by the department within a period of three months from the date of receipt of a copy of this order."

3. The reason for filing this review, according to the learned Additional Government Pleader, is that, as of now, there has been no effective Management looking after the managerial affairs of the School, therefore, if the amount is paid by the Department, as directed by this Court in the said order, it cannot be reimbursed or collected from the Management, as there is no effective Management available as of now. This appears to be the only grievance of the review applicants.

4. Even in the order passed, we have made it very clear that there is no effective Management available, therefore, if the School Management is not in a



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position to pay the subsistence allowance, as there is no effective School Management available as of now, the Department can pay the same and get it reimbursed from the School Management once the School Management takes office.

5. Therefore, if at all the subsistence allowance, being an essential one, is paid by the Department as directed by us in our order, the same could be reimbursed or it could be recovered from the School Management once a competent Management takes office. Therefore, such direction, in our considered view, does not warrant any interference by way of review, as there is absolutely no error found in that regard.

6. In that view of the matter, this review application is liable to be dismissed, accordingly, it is dismissed. However, there is no order as to costs. Consequently, C.M.P. (MD)No.5215 of 2025 is closed.

(R.S.K., J.)

(K.K.R.K., J)

02.04.2025

Neutral Citation: Yes/No

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K.K.RAMAKRISHNAN, J.
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