



WP(MD). No.10110 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.04.2026

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.10110 of 2026

T.Sivakumar

... Petitioner

Vs

1. The Chief Educational Officer,
Madurai District, Madurai..

2. The District Educational Officer (Secondary Grade),
Madurai, Madurai District.

3. Thiagarajar Mills Higher Secondary School,
Rep. by its Secretary,
Kappalur, Madurai 625008,
Madurai, Madurai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent herein to disburse forthwith the subsistence allowance payable to the petitioner from 01.06.2025 onwards by considering the petitioner's final representation dated 02.03.2026.

For Petitioner	: Mr.E.V.N.Siva
For R1 & R2	: Mr.N.Satheesh Kumar Additional Government Pleader
For R3	: Mr.V.R.Shanmuganathan

ORDER

This matter earlier came up for consideration before this Court on 10.04.2026 and the same was adjourned to today to enable



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Mr.V.R.Shanmuganathan, learned counsel took notice for the third respondent to reply as to why the subsistence allowance is not being paid to the petitioner from 01.06.2025. Accordingly, the matter was listed for further consideration today.

2. The facts of the case are that the petitioner herein, while working as the Headmaster of the third respondent school, was placed under suspension through proceeding dated 23.12.2024 with effect from 24.12.2024. Thereafter, the disciplinary proceedings were initiated by issuing a charge memo and the said proceedings though reached the stage of final show cause notice, no final order has been passed by the third respondent as on date. The petitioner is being continued under suspension.

3. According to Mr.V.R.Shanmuganathan, learned counsel appearing for third respondent, the proposals were submitted to the second respondent seeking prior approval for imposing the punishment on the petitioner as early as on 15.07.2025, but no orders have been passed by the second respondent in spite of subsequent reminders dated 04.02.2026 and 13.03.2026. He contends that the second respondent is responsible for the delay in



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conclusion of the disciplinary proceedings and therefore, the third respondent is not liable for the payment of subsistence allowance after 01.06.2025.

4. On the other hand, the learned counsel for the petitioner placed reliance on proviso to sub-rule(4) of Rule 30 of Tamil Nadu Private Schools (Regulation) Rules, 2023 and submitted that in case, if the proceedings are not concluded within the period of six months, the management alone is responsible for payment of the subsistence allowance.

5. Mr.N.Satheesh Kumar, learned Additional Government Pleader submitted that it is for the third respondent school to pay the subsistence allowance once the initial six months period of suspension expires. He further submitted that absolutely there is no necessity for the third respondent to seek prior approval before passing final order in the disciplinary proceedings in the light of amended clause (D) of Rule 29 of Tamil Nadu Private Schools (Regulation) Rules, 2023 and the third responded is unnecessarily submitted proposals instead of concluding the disciplinary proceedings.



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6. In the light of the above, the fact remains is that the petitioner is not being paid subsistence allowance with effect from 01.06.2025 though he is being continued under suspension. As rightly pointed out by the learned counsel for the petitioner in terms of proviso to Sub-rule(4) of Rule 30 of the Rules, 2023, it is the responsibility of the third respondent to pay subsistence allowance in case of disciplinary proceedings are not concluded within a period of six months from the date of on which the employee is placed under suspension. Therefore, in the considered view of this Court, there is no justification for the third respondent to continue to keep the petitioner under suspension without payment of subsistence allowance. Payment of subsistence allowance is a right to life and the same cannot be denied under any circumstances.

7. In the light of the above, this Court is of the considered view that it is for the third respondent to pay the subsistence allowance to the petitioner from 01.06.2025 so long the petitioner is continued under suspension.

8. In fine, this writ petition is allowed at the admission stage directing the third respondent to pay the subsistence allowance



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payable to the petitioner with effect from 01.06.2025 so long the petitioner continued under suspension and the entire arrears shall be paid as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this order. As the petitioner was placed under suspension with effect from 24.12.2025, the period of six months elapses only on 23.06.2026 and therefore, the third respondent is granted liberty to claim for reimbursement of the balance subsistence allowance paid for the period from 01.06.2026 to 23.06.2026 which falls within six months period. No costs.

16.04.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
CM

To,

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MUMMINENI SUDHEER KUMAR,J

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Date : 16/04/2026