

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30456/2015

T.Gangatharanpillai

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Petitioner

Versus

1. The Principal Secretary to Government
State of Tamilnadu, School Education
Department, Secretariat, Fort St George
Chennai 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Nagercoil, Kanniyakumari District.

4.The District Educational Officer,
Kulithurai, Kanniyakumari District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to pass appropriate orders on the representation submitted by the petitioner dated 19.07.2014 for granting salary grant in favour of the petitioner school by considering the fact that the petitioner school was started from 01.06.1989 by extending the benefits of G.O.Ms.No.50, Education, Science & Technology [D1] Department dated 20.01.1995 and to sanction number of teaching posts to the petitioner school within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Subbiah,
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioner would claim that the School, viz., KTP Higher Secondary School at Midalakadu, Palapallam PO, Kanniyakumari District, was established in the year 1989-1990 and it is a minority Institution and recognition was granted without salary grants. It is further stated by the petitioner that in terms of section 14A of the Tamil Nadu Recognised Private Schools [Regulations] Act, 1973, no salary grant has

been paid by the Government and though the said provision came into being from 01.06.1991, the petitioner's School was not given the benefit of teaching grant from the year 1989. In this regard, the Schools similarly placed, made number of representations seeking conferment of the benefit of teaching grant and acting on the same, the 1st respondent has issued G.O.Ms.No.50, Education, Science and Technology Department dated 20.01.1995 extending staff salary grant/teaching grant to the recognised private schools, which include minority as well as non-minority institutions with effect from 01.06.1994 as per the Annexures enclosed to the said Government Order. The 2nd respondent was also authorised to assess with regard to the salary grant for the post in the schools mentioned in Annexures.

3 The grievance expressed by the petitioner is that though the School came into being as early as in the year 1989, the benefit of G.O.Ms.No.50, dated 20.01.1995 has not been conferred on them and in this regard, a representation was also submitted on 19.07.2014 to the 2nd respondent and since no orders have been passed, the petitioner came forward to file this writ petition.

4 Learned counsel for the petitioner would submit that though the School has approached this Court earlier by filing WP.No.1687/2005 and this Court, vide order dated 29.01.2008 has directed the respondents to consider the claim of the petitioner in accordance with G.O.ms.No.50, dated 20.01.1995 and no orders have been passed till date and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

5 This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

6 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to act on the petitioner's representation and in the event of any positive conclusion is arrived, the 2nd respondent shall make a recommendation to the 1st respondent in terms of G.O.Ms.No.50 dated 20.01.1995 within a period of four weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider the said recommendation / proposal to be submitted by the 2nd respondent on merits and in accordance with law and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

7 The writ petition is disposed of accordingly. No costs.

-sd/-

ASSISTANT REGISTRAR

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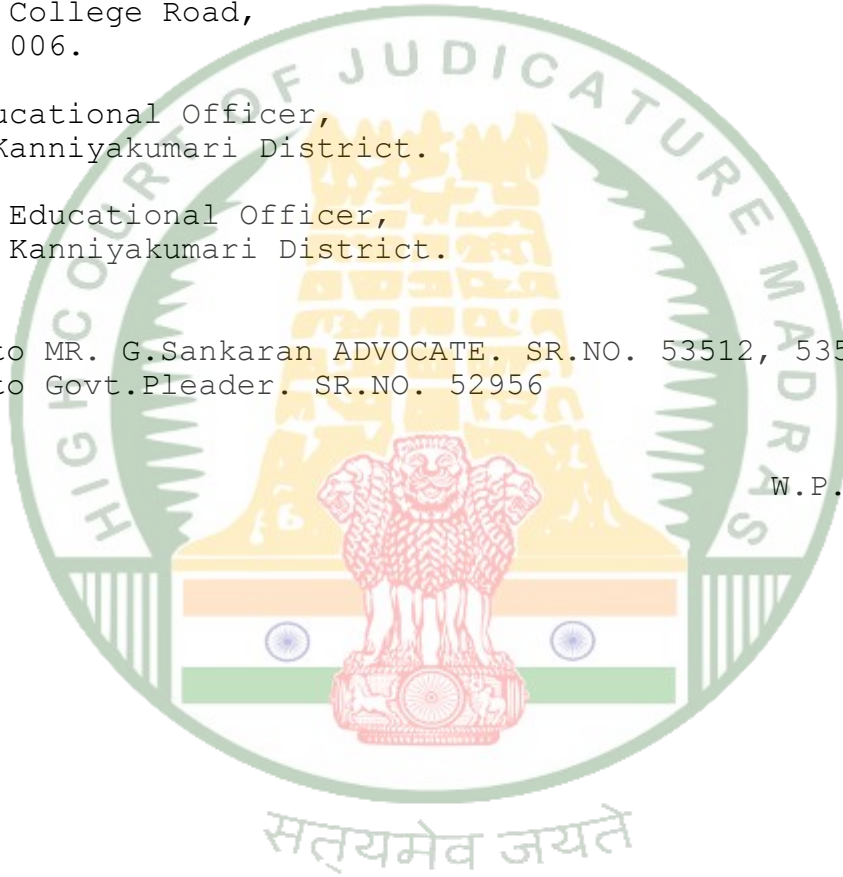
To

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+1 CC to MR. G.Sankaran ADVOCATE. SR.NO. 53512, 53514
+1 CC to Govt.Pleader. SR.NO. 52956

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CO-CTK
JD 08/10/2015



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