

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6021 of 2015 &

M.P.No.1 of 2015

G.G.P.Chandrabai

... Petitioner

-vs-

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Villupuram District,
Villupuram.

3.The District Educational Officer,
Villupuram District,
Villupuram.

4.The Correspondent,
Danish Mission High School,
Parikkal - 607 204.
Villupuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 3 to implement order of the second respondent made in his proceedings in Mu.Mu.No.11860/A3/2014, dated 28.08.2014 and a consequential order of the third respondent made in his proceedings in Na.Ka.No.0142/A4/2014, dated 21.10.2014 by paying the petitioner's salary in B.T.Assistant Teacher scale with arrears with effect from the date of the petitioner's promotion as B.T.Assistant Teacher (History) i.e. on 22.06.2011 and continue to pay the salary.

For Petitioner

:

Mr.A.S.Kaizer

For Respondent Nos.1 to 3:

Mr.S.Gunasekaran

Additional Government Pleader

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 to 3 to implement the order of the second respondent made in his proceedings in Mu.Mu.No.11860/A3/2014, dated 28.08.2014 and a consequential order of the third respondent made in his proceedings in Na.Ka.No.0142/A4/2014, dated 21.10.2014 by paying the petitioner's salary in B.T.Assistant Teacher scale with arrears with effect from the date of the petitioner's promotion as B.T.Assistant Teacher (History) i.e. on 22.06.2011 and continue to pay the salary.

2.It is the case of the petitioner that she was appointed as Secondary Grade Assistant Teacher on 15.09.1997 and subsequently promoted as B.T.Assistant Teacher (History) on 22.06.2011. Thereafter, as per G.O.Ms.No.144, School Education, dated 04.07.2008, all Secondary Grade Assistant Teacher Posts in classes VI to IX were converted as B.T. Assistant posts. According to the petitioner, after her promotion as B.T. Assistant Teacher (History), she was not paid salary and the fourth respondent informed that the proposal for approval of her promotion is pending with the authorities concerned and after the approval, her salary will be paid. However, the second respondent passed an order dated 28.08.2014 converting the Secondary Grade Assistant post as B.T.Assistant Teacher (History) with effect from 22.06.2011, on which date, the petitioner was promoted and a consequential order was also passed by the third respondent dated 21.10.2014 approving the said promotion and also fixing pay scale in the post of B.T.Assistant Teacher (History). Though the respondents 2 and 3 permitted the conversion of the post and approved her promotion and also fixed the pay scale, but till date she was not paid the salary. In this regard, she made a representation dated 27.01.2015 to the third respondent seeking to pay her salary. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. Though notice has been served to the fourth respondent, till date, they have not chosen to appear and hence, this Court is constrained to pass the order.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the fourth respondent to send a fresh proposal for

approval of petitioner's promotion, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondents 1 to 3 are directed to pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the respondents 1 to 3 to consider the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sri

To

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Villupuram District,
Villupuram.

3.The District Educational Officer,
Villupuram District,
Villupuram.

4.The Correspondent,
Danish Mission High School,
Parikkal - 607 204.
Villupuram District.

+1 CC to Government Pleader, Sr.No.56468

W.P.No.6021 of 2015

VGI (CO)
MD : 04/10/2016