



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.20243 of 2016

Mrs.L.Gnanapackiavathi Admirallal

... Petitioner

vs.

1)The Director of Elementary Education,
College Road,
Chennai-6.

2)The District Elementary Educational Officer,
Virudhunagar District,
Virudhunagar.

3)The Assistant Elementary Educational Officer,
Rajapalayam,
Virudhunagar District.

4)M.N.Nadar Primary School,
Represented by its Secretary and Correspondent,
Melavaragunaramapuram,
Puthur Post, Mughavoor Via,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent No.3 to consider and pass orders on the petitioner's representation dated 29.07.2016 seeking for disbursement of arrears of annual increments within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Rajasekar

For R1 to R3 : Mr.M.Murugan, Government Advocate

For R4 : No appearance

ORDER

This Writ of Mandamus has been filed seeking direction to the 3rd respondent to consider and pass orders on the petitioner's representation dated 29.07.2016 seeking disbursement of arrears of annual increments within the time stipulated by this Court.



2.The factual matrix of the case is as under:-

The petitioner joined the services of the 4th respondent school as a Secondary Grade Teacher; later on, when the post of Headmaster fell vacant, she was not considered and she filed W.P (MD)No.11318 of 2008; thereafter, she got promoted as Headmistress with effect from 18.12.2008; citing certain provisions in G.O.Ms.No.1236, Education (U) Department, dated 17.09.1984, a show cause notice was issued to the petitioner through the 4th respondent, as to why she should not be terminated from the service on the ground of irregular appointment in violation of G.O.Ms.No.1236, under which, it is mandatory that the Teacher Training Certificate (of Karnataka) holders should possess 50% of marks in each subject; the petitioner submitted her reply stating that even at the time of entry into the service, she produced the certificate which states that she had the equivalence of the Teacher Training Certificate; but a decision was taken to terminate her from the service; challenging termination, she filed W.P(MD)No.644 of 2012 and this Court has passed an order of status-quo as on 25.01.2012; by virtue of the order of status-quo, the petitioner is continuing in service till date; it is the grievance of the petitioner that her claim for annual increment is not considered by the respondents despite several representations including the last one dated 29.07.2016 and that has driven the petitioner to file this writ petition.

3.It is submitted by the learned Government Advocate appearing for the respondents 1 to 3 that there is no proposal submitted by the 4th respondent and only if the proposal is sent by the 4th respondent, it would be considered by the 3rd respondent.

4.Under such circumstances, the 3rd respondent is directed to consider the representation of the petitioner dated 29.07.2016 and if the representation is found acceptable, issue appropriate further direction to the 4th respondent to submit proposal and to pass suitable orders on the proposal of the 4th respondent.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

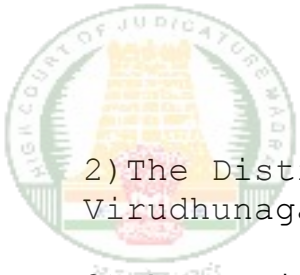
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Sub Assistant Registrar

nbi

To

<https://hcservices.accounts.gov.in/hcservices/>
The Director of Elementary Education,
College Road, Chennai-6.



2)The District Elementary Educational Officer,
Virudhunagar District, Virudhunagar.

3)The Assistant Elementary Educational Officer,
Rajapalayam, Virudhunagar District.

+1cc to Mr.T.Lajapathy Roy Advocate Sr.No. 63278

+1cc to Spl.Government Pleader Sr.No. 62959

JAM/08.11.16/GSV-PM/ 3p-6c

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