

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2018

CORAM

Hon'ble Mr. Justice SATRUGHANA PUJAHARI

W.P.No.20706 of 2018

K. Uma Maheshwari

... Petitioner

vs.

1. Government of Tamil Nadu,
Rep. By Principal Secretary Government,
School Education Department,
Secretariat, Chennai - 600 009.
- 2 The Director of Elementary Education,
(DPI Compound), Nungambakkam,
Chennai - 600 006.
- 3 The District Elementary Educational Officer,
Salem District,
Salem.
- 4 The Assistant Elementary Educational Officer,
Salem District,
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 1st respondent to extend the benefits granted to the similarly placed persons vide G.O (Ms).No.336 School Education (M1) Department dated 30.12.2009, G.O.(3D) No.4 School Education Nee Va.2(f) Department dated 21.01.2015 and G.O.(3D) No.63, School Education Nee Va.2(f) Department dated 13.04.2016 to the Petitioner herein by regularising her services as Secondary Grade Teacher with retrospective effect from the date of the petitioner's initial appointment as Junior Secondary Grade Teacher on consolidated pay basis from 07.10.2004 and to grant the petitioner all consequential benefits with a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mrs.P.Kavitha
Government Advocate

O R D E R

The grievance of the petitioner in this case is in- action on the part of the respondents in considering her representation dated 19.10.2017, followed by the second one dated 14.03.2018, to extend her the benefit of G.O.(3D) No.4 School Education Nee Va2(f) Department dated 21.01.2015 and G.O.(3D) No.63 School Education Nee Va2(f) Department dated 13.04.2016 and as such it has been prayed that such in action on the part of the respondents being illegal, arbitrary, the respondents be directed to grant the petitioner the benefit of the aforesaid Government Orders.

2. Learned counsel appearing for the petitioner would submit that since in similar circumstances in respect of some of the colleagues of the petitioner in pursuance to the orders passed by this Court in W.P.(MD).No.2501 of 2013 on 22.10.2013, the benefit has been extended, it was incumbent upon the first respondent to grant such benefit to the petitioner of the aforesaid Government Orders, considering her representations made in this regard, but the respondents having not considered the same is guilty of in- action, and as such, this Court may declare the same to be illegal, arbitrary and direct the respondents to consider her representation and take a decision in accordance with law, keeping in mind the aforesaid Government Orders as well as the order passed in the W.P.No.(MD).No.2501 of 2013 on 22.10.2013.

3. Learned counsel appearing for the respondents would submit that the respondents have no objection to consider the same within the stipulated period but this Court should not put any fetter on them to consider the same in any particular manner.

4. Considering the aforesaid facts and submissions made, especially the nature of relief sought for, this Court, without seeking any reply affidavit, disposes of this writ petition at the stage of admission itself, with a direction to the respondents to take an informed and considered decision, on the representations of the petitioner dated 19.10.2017 & 14.03.2018, keeping in mind the provisions of the aforesaid Government Orders and in the light of the orders passed in

W.P.No.(MD).No.2501 of 2013 on 22.10.2013, within a period of six weeks from the date of receipt of the order. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1 Government of Tamil Nadu
Rep. By Principal Secretary Government
School Education Department
Secretariat, Chennai - 600 009.
- 2 The Director of Elementary Education
(DPI Compound), Nungambakkam
Chennai - 600 006.
- 3 The District Elementary Educational Officer
Salem District
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- 4 The Assistant Elementary Educational Officer
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Salem.

+1cc to Mr.M.Ravi, Advocate, S.R.No.56694

+1cc to the Government Pleader, S.R.No.56837

W.P.No.20706 of 2018

GSP (06/09/2018)

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