

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.10.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.28289 of 2018

Y.Gnanarubi Hepzhibai

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009
 2. The Director of Elementary Education,
College Road,
Chennai - 600 006
 3. The District Elementary Educational Officer,
O/o of the District Elementary Educational Officer,
Ramnad District
 4. The Assistant District Elementary Educational Officer,
O/o of the District Elementary Educational Officer,
Ramnad District
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to act upon the representation of the petitioner dated 05.01.2018 and consequently to fix her pay scale in the Secondary / Special Grade on par with that of an Elementary School Head Master by taking into account her entire services as Secondary Grade Assistant Teacher and Elementary School Headmaster in consonance with G.O.Ms.No.234 School Education (G2) department dated 10.09.2009 and release the arrears due to her from the date they fell due with applicable interest.

For Petitioner : Mr.T.Gowthaman
For Respondents : Mrs.P.Kavitha,
Government Advocate

ORDER

The case of the petitioner is that she has made a representation to the third respondent to fix her pay scale in

the Secondary / Special Grade on par with that of the Elementary School Headmaster taking into account the entire service as Secondary Grade Assistant Teacher and also as Elementary School Headmaster considering the G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009. Though such representation was made on 05.01.2018 but the same having not been attended to / addressed to by the first respondent, she came to file this writ petition seeking a direction for disposal of such representation.

2. The learned counsel appearing for the petitioner, submits that in view of the aforesaid G.O. she is entitled to such pay scale but the first respondent has not addressed her representation made in this regard. Hence, she has come to this Court seeking the aforesaid relief and considering the nature of relief, this Court may dispose of the same at the stage of admission without seeking any reply affidavit from the respondents inasmuch as the same is going to cause no prejudice to the respondents.

3. The learned counsel for the respondents, submits that if such representation is pending, the same shall be examined and disposed of within a reasonable period. However, this Court should not put any fetter on disposal of such representation by the respondents.

4. Regard being had to the aforesaid facts and submissions made, especially the nature of relief sought for, this Court therefore dispose of this writ petition at the stage of admission without seeking reply affidavit with a direction to the first respondent to take an informed and considered decision on the representation of the petitioner dated 05.01.2018, within a period of six weeks from the date of receipt of a copy of this order. However, it is made clear that this Court have not expressed any opinion on merit of such representation and the first respondent is at liberty to dispose of the representation in the manner it deem just and proper, but considering the facts and submissions made and also the law if any in this regard, if there is no other legal impediment.

5. With the aforesaid order, this writ petition stands disposed of. However in the circumstances there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009
2. The Director of Elementary Education,
College Road,
Chennai - 600 006
3. The District Elementary Educational Officer,
O/o of the District Elementary Educational Officer,
Ramnad District.
4. The Assistant District Elementary Educational Officer,
O/o of the District Elementary Educational Officer,
Ramnad District.

+1 cc to The Government Pleader, SR.No.75299

W.P.No.28289 of 2018

PP(CO)
CSL/26.11.2018