



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.03.2018
Pronounced on : 04.06.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.24827 of 2016

S.Iyirin Sujabai

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Principal Secretary,
Differently Abled Department,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai-600 006.
3. The State Commissioner of
Differently Abled,
State Resource cum Training Centre Campus,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai-60.
4. Bishop Gnanadason Arivu Illam,
Special School for Mentally Retarded,
Represented by its Correspondent,
Kotticode, Manalikai Post-619 264,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to award selection/Special Grade to the petitioner by counting her service rendered in other private schools as per G.O.Ms.No.992, Education Department dated 22.06.1979.

For petitioner : Mr.R.Subramanian

For R1 to R3 : Mrs.S.Srimathy
Special Government Pleader

For R4 : Mr.G.Padmanaban

**O R D E R**

Heard the learned counsel on either side.

2. The petitioner served in the fourth respondent school teaching mentally disabled children. She joined service on 01.02.1988. However, she got regular appointment only with effect from 01.06.2010. The third respondent herein issued proceedings bearing No.11364/rp.g.2/2010 dated 04.03.2011 in this regard. The petitioner reached the age of superannuation on 31.05.2014.

3. The case of the petitioner is that she is entitled to be given selection and special grade by taking into account the services put in by her from 01.02.1988 onwards. The petitioner has enclosed letter No.4505/.khjpe.1/2014-3 dated 18.02.2015, issued by the first respondent calling upon the second respondent to furnish the remarks in this regard. The petitioner has placed reliance on G.O.(MS).No.992, Education Department, dated 22.06.1979. Since there has been no progress in the matter in spite of the petitioner's representation dated 29.06.2016, the present Writ Petition came to be filed.

4. The third respondent has filed his counter affidavit contending that the petitioner's request is not sustainable in law. It is claimed that the petitioner's request has already been rejected by the Government. But the firm stand of the petitioner is that she has not been communicated with any such rejection order. Before this Court also no copy of such rejection order has been filed.

5. Be that as it may, this Court is of the view that the petitioner's cases deserves to be sympathetically considered. The petitioner's husband is said to be an Ex-service man. The petitioner has set out her domestic condition in her representation dated 29.06.2016. The petitioner has been serving mentally retarded children. One can very easily visualise the difficulties that will be encountered by such teachers. This Court went through the contents of G.O.(MS).No.992, Education Department dated 22.06.1979. The said Government Order in turn refers to G.O.(MS).No.333, Education Department dated 14.02.1977. The expression used in the said Government Order is 'entire period of services rendered by them in the same post under all kinds of managements'. The respondents would therefore not be justified in seeking to exclude the service put in by the petitioner as a management teacher.

6. Therefore, the first respondent is directed to <https://hcs.scripsaonline.co.uk/da-services/> consider the petitioner's representation dated 29.06.2016 and pass appropriate orders in the light of G.O.(MS).No.992, Education Department dated 22.06.1979. Such order shall



be passed within a period of eight weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of accordingly. No costs.

WEB COPY

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
the Government of Tamil Nadu,
Differently Abled Department,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai-600 006.
3. The State Commissioner of
Differently Abled,
State Resource cum Training Centre Campus,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai-60.

+ 1 cc TO Mr.R.Subramanian , Advocate in SR No. 66682
+ 1 cc TO The Special Government Pleader in SR No. 66958

tsg
AE/SV MMS/SAR4/12.06.2018/3P/6C

ORDER MADE IN
W.P. (MD) No. 24827 of 2016
04.06.2018