

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30493 of 2019

and

WMP.No.30525 of 2019

The Correspondent
Star Special School
St. Anne's Rehabilitation Centre for Disabled
Singanallur (Post)
Coimbatore District - 641 005

..Petitioner

vs

1. The State Government
Represented by its Secretary
Department of Differently Abled
Fort St. George, Chennai - 600 009.

2. The State Commissioner for the Differently Abled
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai- 600 005.

3. The District Differently Abled Welfare Officer
District Collectorate Campus
Coimbatore - 641 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ, order or direction in the nature of a writ of Mandamus directing the 2nd respondent Commissioner to release salary and other attendant benefits to Sr.Arockia Mary as Secondary Grade Teacher (Mentally Retarded Category) from date of approval of her appointment viz., 01.06.2008 and pass orders.

For Petitioner	:	Mr. H. Mary Sowmi Rexi
For Respondents	:	Mr. M. Lalitha, Government Advocate

O R D E R

The petitioner filed this Writ Petition seeking direction to the 2nd respondent Commissioner to release salary and other attendant benefits to Sr.Arockia Mary as Secondary Grade Teacher (Mentally Retarded Category) from date of approval of her appointment viz., 01.06.2008.

2. The case of the petitioner is that the petitioner school namely, the Star Special School - St. Anne's Rehabilitation Centre for disabled is one among the numerous educational institutions owned and administered by the congregation of the sisters of St.Anne's Trichy, Maria Province. The school was established and recognized as a minority educational institution in the year 1984 for the benefit of poor and downtrodden communities. The school was offering primary education from standards I to V for the physically handicapped and Mentally retarded students. The second respondent has sanctioned only one post of Secondary Grade teacher to the school in the year 1993. Thereafter on 04.12.1993, the school appointed one Rev. Sr. Victoria in that place and she had been working there till 31.07.1994 then she was transferred to another place. In the resultant vacancy, the school appointed one Rev. Sr. Arockia Mary on 01.08.1994. The second respondent granted approval to the appointment vide proceedings dated 21.11.1996 and disbursed the grant towards her salary. She had been drawing salary upto May 2008. All of a sudden the respondent stopped the payment of grant-in-aid towards her salary and thereafter several Writ Petitions were filed before this Court. Thereafter on 02.02.2016 during the pendency of Contempt Petition, the first respondent Government issued GO.Ms.No.04 and approved the appointment of Sr.Arockia Mary as Secondary Grade Teacher with effect from 01.06.2008, but released the monetary benefits only with effect from 01.12.2013. Thereafter in respect of non-release of monetary benefits, the petitioner made representation dated 07.03.2018 to release salary from the date of appointment i.e., 01.06.2008 till 30.11.2013 but till date not considered.

3. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the respondents to dispose of the representation dated 07.03.2018 on merits and in accordance with law.

4. The learned counsel for the respondents agreed to dispose of the representation dated 07.03.2018 within a reasonable time.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondents to dispose of the representation dated 07.03.2018 on merits and

in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Secretary to Government
State of Tamil Nadu,
Department of Differently Abled
Fort St. George, Chennai - 600 009.

2. The State Commissioner for the Differently Abled
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai- 600 005.

3. The District Differently Abled Welfare Officer
District Collectorate Campus
Coimbatore - 641 018.

+1cc to Mr.Isaac Chamberes , Advocate SR.No. 90055
+1 cc to Government Pleader Sr.No. 90375

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A.SK(28/11/2019)

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