

IN The HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 04.03.2021  
CORAM:  
The HONOURABLE MR.JUSTICE S.VAIDYANATHAN  
W.P.No.5127 of 2021

G.Poongothai

... Petitioner

-vs-

- 1.The State of Tamil Nadu,  
rep. by its Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai-600 009.
- 2.The Director of School Education,  
DPI Campus, College Road,  
Chennai - 600 006.
- 3.The Chairman,  
The Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maligai,  
DPI Campus, College Road,  
Chennai - 600 006.
- 4.The Director,  
Rashtriya Madhyamik Shiksha Abhiyan (RMSA),  
DPI Campus, College Road,  
Chennai-600 006.
- 5.The Government of India,  
rep. by its Secretary to Government,  
Ministry of Human Resource Development,  
No.302-C, Shastri Bhawan,  
New Delhi.

... Respondents

सत्यमेव जयते

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pass orders for disbursement salary payable to the petitioner for the period April 2012 to March 2013, November 2013 to March 2014, April 2014 to May 2014 and January 2015 to March 2015 (22 months) in the post of Special Teacher and further to grant equal pay for equal work on par with 58 Special Teachers working under IEDSS, apart from granting time scale of pay to the petitioner, as per the representation submitted by the petitioner and proposal forwarded by Pay Grievances Redressal Committee in Letter No.713/PGRC/2019-1 dated 28.08.2020 with all consequential and other attendant benefits including interest for the delay in payment of pending

salary, within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Maheshnath

For Respondents: Mr.P.Raja,  
Government Advocate  
for R1, R2 & R4

Mr.C.Munusamy,  
Special Government Pleader for R3

Mr.R.Sankaranarayanan,  
ASG for R5

O R D E R

This Writ petition is filed, seeking a direction to the respondents to pass orders for disbursement of salary, due to the petitioner in the post of Special Teacher and further to grant equal pay for equal work on par with 58 Special Teachers working under IEDSS, apart from granting time scale of pay to the petitioner, as per representation submitted by the petitioner and proposal forwarded by Pay Grievances Redressal Committee in Letter No.713/PGRC/2019-1 dated 28.08.2020 with all consequential and other attendant benefits including interest for the delay in payment of pending salary.

2.Mr.P.Raja, learned Government Advocate takes notice for R1, R2 & R4, Mr.C.Munusamy, learned Special Government Pleader takes notice for the 3<sup>rd</sup> respondent and Mr.R.Sankaranarayanan, learned ASG takes notice for the 5<sup>th</sup> respondent. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that since she was qualified with Diploma in Special Education with B.Ed. (General), she was appointed as Special Teacher under Integrated Education for the Disabled Children (IEDC) in Government Girls High School, Walajabad on 10.07.1995 on consolidated basis. Subsequently, pursuant to G.O. Ms. No.28 School Education Department dated 30.01.201, 202 posts of Special B.T. Graduate Teachers and 58 posts have been filled up through TRB on temporary basis. Though the petitioner is fully qualified for the post of Special Teacher, she was not given regular absorption into service with regular time scale of pay prescribed for the post. In this regard, the petitioner submitted a representation claiming permanent absorption in the existing vacancies created as per the said G.O. With regular time scale of pay prescribed for the post. As there was no

response on the representation, the petitioner is before this Court seeking the aforesaid relief.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 1<sup>st</sup> respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1<sup>st</sup> respondent herein to consider the representation preferred by the petitioner dated 15.09.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1<sup>st</sup> respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 15.09.2020 and this order, to the 1<sup>st</sup> respondent forthwith;

v) The 1<sup>st</sup> respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the

petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-  
Asst.Registrar (CS III )

/true copy/  
Sub Asst. Registrar

vum  
To

- 1.The State of Tamil Nadu,  
rep. by its Principal Secretary to Government,  
School Education Department,  
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- 2.The Director of School Education,  
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- 3.The Chairman,  
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+1 cc to Mr.G.Sankaran Advocate sr13891  
+1 cc to the Government Pleader sr14184

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pch(co)  
aa08/04/2021