

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2021

CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6433 of 2021

S.Gandhimathi

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat, Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road, Chennai 600 006.
3. The Chief Educational Officer,
Kallakurichi District, Kallakurichi.
4. The District Educational Officer,
Tirukoilur Education District,
Kallakurichi District.
5. The Headmaster,
Kabilar Government Boys Higher Secondary School,
Tirukoilur 605 757.
Kallakurichi District.
6. The Principal Accountant General (A & E) Tamil Nadu,
O/o The Principal Accountant General,
AG's Office Complex,
361, Anna Salai,
Teynampet, Chennai 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents to implement G.O.Ms.No.27, School Education Department, dated 06.02.2017 by granting Selection Grade/Special Grade to the Petitioner in the post of Physical Education Teacher with consequential payment of arrears of salary including the revision of retirement benefits based on the proposal forwarded by the 5th Respondent School to the 6th Respondent in Na.Ka.No.20/2018, dated 07.11.2018 along with interest for delay in payment, by considering the representation submitted by the Petitioner, dated 24.12.2020.

For Petitioner : Mr.A.Maheshnath
For Respondents 1 to 5 : Mr.P.Raja,
Government Advocate
For 6th Respondent : Mr.V.Vijayshankar

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to implement G.O.Ms.No.27, School Education Department, dated 06.02.2017 by granting Selection Grade/Special Grade to her in the post of Physical Education Teacher with consequential payment of arrears of salary including revision of retirement benefits based on the proposal forwarded by the 5th Respondent School to the 6th Respondent vide Na.Ka.No.20/2018, dated 07.11.2018 along with interest for delay in payment, by considering her representation, dated 24.12.2020.

2. It is represented by the learned Government Advocate appearing for Respondents 1 to 5 that, a proposal in respect of grant of benefits to the Petitioner has been forwarded by the 5th Respondent/School to the 6th Respondent herien vide proceedings dated 07.11.2018.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Considering the facts and circumstances of the case, this Court directs the 6th Respondent herein to consider the Petitioner's representation dated 24.12.2020, based on the proposal dated 07.11.2018 forwarded by the 5th Respondent School in accordance with law, after affording an opportunity of personal hearing to the Petitioner, and pass appropriate orders, within a period of four months from the date of receipt of a copy of this order.

5. Petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of her representation and a copy of this order, to the 6th Respondent forthwith. The 6th Respondent is directed to communicate the decision taken on the said representation to the Petitioner herein 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 parties to file contempt after expiry of the specified period. In case, the authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved

for one reason or the other, the same shall be kept in the file without opening it for the sake of proof of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order of this Court.

With the above direction and observation, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Secretariat, Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road, Chennai 600 006.
3. The Chief Educational Officer,
Kallakurichi District, Kallakurichi.
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6. The Principal Accountant General (A & E) Tamil Nadu,
O/o The Principal Accountant General,
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai 600 018.

+1 cc to M/s.V.Vijay Shankar, Advocate Sr No.16786
+1 cc to M/s.G.Sankaran, Advocate Sr No.16193
+1 cc to Government Pleader Sr No.16370

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12.03.2021

PMK (CO)
RG.27.04.2021 (3P/10C)