

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31318 of 2014

M.P.Jagadeeswari

..Petitioner

Vs.

1. The Director of School Education,
Chennai - 600 006.
2. The District Educational Officer,
Chennai North, Chennai - 8.
3. The Correspondent,
Singaram Pillai Higher Secondary School,
Villivakkam, Chennai - 600 049.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing to the respondent to release the salary and other attended benefits for the service extension period (01.12.2011 to 31.05.2012) and to sanction the pension and release the overdue pension amount immediately.

For Petitioner : Mr.S.Sathiyarayanan
For Respondents1&2 : Mr.Sureshkumar
For Respondent - 3 : Mr.D.Magesh Kumar

ORDER

According to the petitioner, she belongs to Backward community and was appointed as B.T Assistant on 01.08.1986 in the third respondent school, since no candidate belonging to Scheduled Caste community was not available. Subsequently, the Employment Exchange sponsored the name of one N.Karunanidhi, who belonged to Scheduled Caste and he was appointed by the Management on 08.08.1987 against the vacancy reserved for the SC candidate. In view of the same, the second respondent raised an objection against the appointment of the petitioner on the ground that if there are two vacancies, one appointment should be given to the Scheduled Caste candidate and another to Backward Community candidate and ultimately refused to approve the appointment of the petitioner vide O.Mu.No.5616/A4/1989

dated 31.08.1989, which was also confirmed by the first respondent vide proceedings in O.Mu.No.201402/D3/89 dated 12.12.1989. Consequently, she was terminated from service. However, as per the judgment of this Court in WA.Nos.347 and 348 of 1998 dated 08.12.2005, the petitioner was reinstated in service as B.T Assistant (Maths) with effect from 05.01.2006 and she joined duty on that day itself.

2.It is the further case of the petitioner that contrary to the judgment passed in the writ appeals, in the communication dated 23.08.2006, addressed to the third respondent by the second respondent, on the basis of which, the petitioner was reinstated in service on 05.01.2006, the appointment of the petitioner was approved as if a fresh entrant on consolidated monthly pay of Rs.4,000/- from 05.01.2006 and be placed in regular time scale of pay of Rs.5500-175-9000 from 01.06.2006. Accordingly, her pay was fixed at Rs.5500/- as per G.O.Ms.No.99, School Education Department, dated 27.06.2006. Further, the second respondent did not release the pending salary payable to the petitioner as per the order of the Division Bench dated 08.12.2005 passed in WA.Nos.347 and 348 of 1998. Hence, the petitioner made a representation dated 22.09.2006 requesting to release her salary for the period from 04.08.1986 to 13.11.1997 and arrears of pay and allowances for the period from 05.01.2006 to 31.08.2006 and fix her pay as on 05.01.2006 with notional increments. Since the said representation was not considered, the petitioner filed WP.No.48712 of 2006, which was disposed of on 15.12.2006, directing the second respondent to consider the said representation within a period of eight weeks. Despite the said order of this Court, the second respondent rejected the said representation vide order dated 06.03.2007. The said order was challenged in WP.No.19892 of 2007, which was dismissed on 19.08.2011. Aggrieved over the same, the petitioner preferred a writ appeal, which is pending.

3.The petitioner also stated in the writ petition that on reaching the age of superannuation, he retired from service on 30.11.2011 as Assistant Headmaster (BT) of the third respondent School. Subsequently, her service was extended for the remaining academic year i.e., from 01.12.2011 to 31.05.2012. Accordingly, she discharged her service. However, she was not paid salary and other attendant benefits for the said extension of service. That apart, she did not receive any pension, though the third respondent forwarded her proposal on 18.11.2013. Hence, the petitioner submitted a representation dated 25.02.2014 to the first respondent, requesting to release the salary and other attended benefits for the extension of service and sanction pension etc. Finding no response on the same, the petitioner has come up with this writ petition seeking appropriate direction to the first respondent.

4.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if the representation of the petitioner dated 25.02.2014 is directed to be considered by the first respondent, for which the learned counsel appearing for the respondents has no serious objection.

5.Considering the nature of the relief sought herein, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 25.02.2014, if not already considered, and pass appropriate orders, in accordance with law and also in the light of the recommendation of the third respondent dated 15.09.2014, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

msv

To

1. The Director of School Education,
Chennai - 600 006.
2. The District Educational Officer,
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3. The Correspondent,
Singaram Pillai Higher Secondary School,
Villivakkam, Chennai - 600 049.

+1 CC to Mr.K. Selvaraj, Advocate sr 6126.

+1 Cc to The Government Pleader sr 5921.

W.P.No.31318 of 2014

PP(CO)

SP(01/07/2021)