



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.8856, 8860, 8861, 8862 & 8863 of 2021

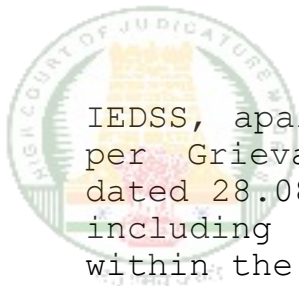
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T.R.R.Paranjothi Raman	... Petitioner in W.P(MD)No.8856 of 2021
J.Verginia Selvamalar	... Petitioner in W.P(MD)No.8860 of 2021
N.Raja	... Petitioner in W.P(MD)No.8861 of 2021
G.Saravanan	... Petitioner in W.P(MD)No.8862 of 2021
S.Chandran	... Petitioner in W.P(MD)No.8863 of 2021

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary
Department of School Education,
Fort St., George,
Chennai-09.
 - 2.The Director of School Education,
Directorate of School Education,
Chennai-06.
 - 3.The Chairman,
The Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-06.
 - 4.The Director,
Rashtriya Madhamik Shiksha Abhiyan (RMSA),
DPI Compound, College Road,
Chennai-06.
 - 5.The Government of India,
Represented by its Secretary to Government,
Ministry of Human Resource Development,
No.302-C, Shastri Bhawan,
New Delhi.
- ... Respondents in all WPs

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass orders for disbursement of salary payable to the petitioners for the period of 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 work on par with 58 Special Teachers working under



IEDSS, apart from granting time scale of pay to the petitioners, as per 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 the time stipulated by this Court.

In all WPs:

For Petitioner : Mr.S.Louis

For R1 & R2 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

For R3 : Mr.V.R.Shanmuganathan,
Special Government Pleader

For R4 & R5 : Mr.M.Karunanidhi
Senior Panel Counsel

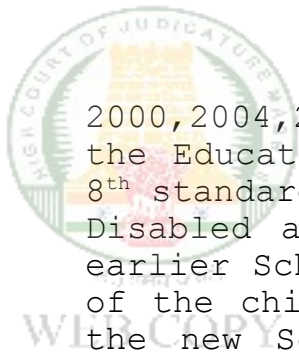
COMMON ORDER

These writ petitions are filed seeking for a mandamus, directing the respondents to pass orders for disbursement of salary payable to the petitioners for the period of 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 Teachers and further to grant equal work on par with 58 Special Teachers working under IEDSS, apart from granting time scale of pay to the petitioners, as per 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 the time stipulated by this Court.

2. Since the issue involved in these writ petitions are one and the same, a common order is passed.

3.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader takes notice for the respondents 1 & 2, Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice for the third respondent and Mr.M.Karunanidhi, learned Senior Panel Counsel takes notice for the respondents 4 & 5. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

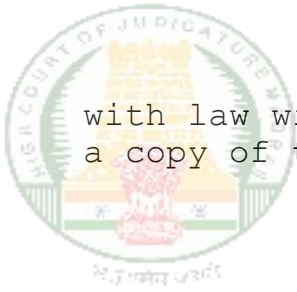
4. According to the petitioners, their educational qualifications are M.Sc., B.Ed., in Special Education, M.A., B.Ed., in Special Education, M.A., B.Ed., in Special Education, B.A., B.Ed., in Special Education and M.Com., M.Ed., in Special Education respectively. They were appointed in the Scheme of Integrator Education of the Disabled Children (IEDC) in the year



2000,2004,2000,2000 and 2000 respectively. The Scheme provided for the Education of the children with Special needs from classes 1 to 8th standard. The new scheme of providing Inclusive Education of the Disabled at Secondary Stage (IEDSS) was implemented replacing the earlier Scheme of (IEDC). The new Scheme provided for the education of the children with Special needs from standards 9th to 12th. In the new Scheme they were given appointment in the post of B.T. Special Assistant on 01.04.2009 and till date, they are serving without any break. The petitioners have given several representations individually seeking to regularize them and through the Association of B.T., and PGT IEDSS, Special Teacher for Differently Abled Children. However the same have not been considered till date or the authorities concerned. Lastly they have given representations, dated 05.07.2018 praying to regularise them in the available vacant posts as per G.O.Ms.No.28, School Education Department, dated 30.01.2015. The second respondent issued the proceedings, dated 10.07.2012 directing the Chief Educational Officers concerned to verify the Certificates of the Special Teachers and send a report to the Directorate of the School Education. Out of 202 Special Teachers appointed in the State of Tamil Nadu presently 155 Special Teachers are working within the State of Tamil Nadu under the RMSA (IEDSS). The petitioners are in service for more than 18 years and till date ,they have not been regularized. The salary is provided at the ratio of 60:40 by the Respondents 1 & 5 respectively. Though the amount is received regularly from the Respondent No.5, the first respondent has not disbursed the salary regularly. There are arrears in payment of salary to them around 22 months. Further, from April 2018 onwards the salary is also reduced from Rs.34,148/- to Rs.25,000/- for reasons best known to the respondents 1 & 2. A similarly placed person viz., G.Poongothai filed W.P.No. 5127 of 2021 before the Principal Bench of this Court, seeking disbursement of arrears of salary and the said Writ Petition was ordered on 04.03.2021. The petitioners also gave representations, dated 06.01.2021, 27.03.2021, 25.03.2021, 29.03.2021 and 26.12.2019 respectively to the respondents, but the respondents have not passed any orders on the representations. Hence, the petitioners have come out with these present writ petitions.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 & 2, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the third respondent and Mr.M.Karunanidhi, learned counsel appearing for the respondents 4 & 5.

6. Considering the facts and circumstances of the case, without deciding the issue on merits, these writ petitions are disposed of directing the respondents to consider the representations of the petitioners dated 06.01.2021, 27.03.2021, 25.03.2021, 29.03.2021 and 26.12.2019 respectively and pass orders on merits and in accordance



with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs. No costs.

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Sd/-

Assistant Registrar (AS)

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Principal Secretary
Department of School Education,
Fort St., George,
Chennai-09.
- 2.The Director of School Education,
Directorate of School Education,
Chennai-06.
- 3.The Chairman,
The Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-06.
- 4.The Director,
Rashtriya Madhamik Shiksha Abhiyan (RMSA),
DPI Compound, College Road,
Chennai-06.
- 5.The Government of India,
Represented by its Secretary to Government,
Ministry of Human Resource Development,
No.302-C, Shastri Bhawan,
New Delhi.

+5 CC to M/s.S.LOUIS, Advocate (SR-18224[F] dated 30/04/2021)

+1 CC to M/s.GP (SR-18415[F] dated 03/05/2021)

W.P. (MD) Nos. 8856, 8860, 8861,
8862 & 8863 of 2021
30.04.2021

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KK(04.06.2021) 4P 12C