



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.6003 of 2019

and

W.M.P(MD)No.4796 of 2019

WEB COPY

S.Mariyammal

... Petitioner

Vs.

1.The Principal Secretary to
Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai.

2.The Director,
Department of School Education,
Chennai.

3.The Chief Educational Officer,
Trichy.

... Respondents

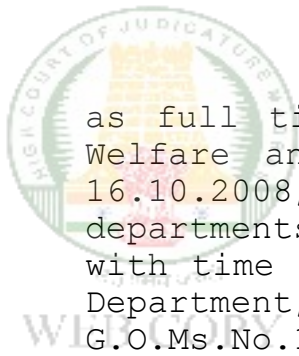
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the benefits of G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme Department, dated 16.10.2008 and provide time scale of pay to the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.K.S.Selvaganesan
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to extend the benefits of G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme (S.N.4), Department, dated 16.10.2008 and provide time scale of pay to her.

2.According to the petitioner, she is a physically challenged person and completed B.C.A in the year 2009; B.Ed in the year 2010 and M.C.A in the year 2015. The petitioner was selected by the Selection Committee for appointment as part time Computer Science Teacher on consolidated pay by proceedings of the third respondent, dated 03.03.2012. From the year 2012, she is working as Computer Science Teacher in Government Higher Secondary School, Valadi, Lalgudi Taluk, Trichy District. Even though she was appointed as part time Computer Science Teacher, she is discharging her duty only



as full time Teacher. The Government issued G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme (S.N.4), Department, dated 16.10.2008, thereby the differently abled persons working in various departments of the Government on consolidated pay will be provided with time scale of pay. The Department of Health and Family Welfare Department, Forest and other Departments have implemented G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme (S.N.4), Department, dated 16.10.2008 and granted benefits to physically challenged person working in their Department.

3.In support of his contention, the learned counsel appearing for the petitioner relied on the order of this Court, dated 05.06.2018 made in W.P(MD)No.11891 of 2018 etc., batch [V.Premkumar Vs. The State of Tamil Nadu, Rep. by its Principal Secretary, Rural Development and Panchayat Raj Department] and prayed for allowing the Writ Petition.

4.Mr.K.S.Selvaganesan, learned Government Advocate appearing for the respondents submitted that the representation of the petitioner would be considered on merits within the period stipulated by this Court.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6.A reading of G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme (S.N.4), Department, dated 16.10.2008, it shows that the Government has granted benefits to the physically challenged persons, who are working on consolidated pay for two years and brought them on time scale of pay. In the order, dated 05.06.2018, made in W.P(MD)No.11891 of 2018 etc., batch [V.Premkumar Vs. The State of Tamil Nadu, Rep. by its Principal Secretary], which was relied on by the learned counsel for the petitioner, this Court directed the petitioners therein to give representation to the respondents therein and directed the respondents therein to consider the representation of the petitioners in the light of G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme (S.N.4), Department, dated 16.10.2008 and other Government Orders implementing the benefits given in G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme (S.N.4), Department, dated 16.10.2008.

7.In the present Writ Petition, the petitioner claims that she is 65% physically disabled person. In view of G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme (S.N.4), Department, dated 16.10.2008, the petitioner is directed to give a fresh representation to the respondents with disability certificate issued by the competent authority within a period of four weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondents are directed to consider the representation of the petitioner, taking into consideration the



Meal Programme (S.N.4), Department, dated 16.10.2008, and pass orders on merits and in accordance with law within a period of four weeks thereafter.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Principal Secretary to
Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai.

2. The Director,
Department of School Education,
Chennai.

3. The Chief Educational Officer,
Trichy.

+1 CC to M/s.SPL GP (SR-24029[F] dated 27/07/2021)

W.P. (MD)No.6003 of 2019
26.07.2021

RD(25.08.2021) 3P 5C