

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 4142 of 2017

A.Vimala Arokiamary

... Petitioner

-vs-

1. The Secretary to Government
Education Department
Fort St. George, Chennai - 9.
2. The Director
Education Department
DPI Campus, College Road
Chennai - 600 006.
3. The Chief Education Officer
Vellore.
4. The Correspondent
Mary Immaculate Girls Higher Secondary School
Thirupattur, Vellore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the First to Third Respondents herein to consider the Petitioner's representation dated 18.02.2016.

For Petitioner : Mr. T.R.Rajagajentran

For Respondents: Mr. P.Balathandayutham (for R1 to R3)
Special Government Pleader

Ms. A.Arulmary (for R4)

O R D E R

Heard Mr. T.R.Rajagajentran, Learned Counsel for the Petitioner and Mr. P.Balathandayutham, Learned Special Government Pleader for the First to Third Respondents and Ms. A.Arulmary, Learned Counsel for the Fourth Respondent and

perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to have been appointed as B.T. Assistant on 05.06.2012 in the school of the Fourth Respondent, which is said to be a minority institution receiving grant-in-aid from the Government for payment of salary to its teachers. The grievance sought to be ventilated by the Petitioner is that though she had worked during the period from 05.06.2012 to 08.04.2013 and from 11.06.2013 to 20.04.2014, salary was not paid to her. In that backdrop, the Petitioner has made a representation dated 18.02.2016, but as no action was taken, this Writ Petition has been filed.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) it shall be incumbent upon the Respondents to immediately examine the representation dated 18.02.2016 made by the Petitioner including ascertaining as to whether the post in which the Petitioner claims to have worked in the school of the Fourth Respondent was against a sanctioned vacancy for which grant-in-aid has been extended by the Government and the Petitioner had actually worked during the relevant period so as to be entitled for the benefits claimed;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain her position in that regard and a reasoned order shall be passed by 30.09.2022 dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iv) if the Petitioner is found entitled to the claim made, the eligible amount of arrears of salary shall be disbursed within a period of 30 days from the date of passing of that order; and
- (v) the report of completion of the aforesaid exercise shall be filed before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

Maya

To

1. The Secretary to Government
Education Department
Fort St. George, Chennai - 9.
2. The Director
Education Department
DPI Campus, College Road
Chennai - 600 006.
3. The Chief Education Officer
Vellore.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to the Government Pleader, S.R.No.40364

W.P. No. 4142 of 2017

MG[col
NSK/08/07/2022