



WEB COPY



W.P.No.3875 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.3875 of 2018

Francis Xavier

.. Petitioner

VS

1.The Union of India

Rep. By its Secretary,
Ministry of Human Resources and Development,
Department of Secondary and Higher Education,
Sashtri Bhavan,
New Delhi.

2.The Government of Tamil Nadu

Rep. By its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.

3.The Director of School Education,

Directorate of School Education,
College Road, Chennai.

4.The Director,

Inclusive Education of the Disabled at Secondary School,
Directorate of School Education,
College Road, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents to
consider the representation dated 29.01.2018 submitted by the
petitioner within a stipulated time fixed by this Court.



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W.P.No.3875 of 2018

For Petitioner : Mr.T.K.S.Gandhi
For Respondents : Mr.S.Ravi Kumar
Special Government Pleader

ORDER

Writ petition has been filed in the nature of a mandamus seeking a direction to the respondents to consider the representation dated 29.01.2018 submitted by the petitioner within a stipulated time.

2. The petitioner had given such representation dated 29.01.2018 claiming arrears of salary to a sum of Rs.1,80,252/- for working as Special Educator during the years 2009 - 2010 and 2010 - 2011 in the Scheme of Integrated Education for the Disabled Children. During that particular period, the Scheme was implemented through Non-Governmental Organisations authorised by the State Government. It had been stated that though the scheme was implemented through Non-Governmental Organizations, they were under the control of the Director of the Inclusive Education of Disabled/ IEDC.

3. It had been stated that there were allegations that NGO's were swindling the funds provided by the Central and State



W.P.No.3875 of 2018

Governments. Therefore in W.P.No.24690 of 2009, which the petitioner had filed, and which came up for consideration before the Division Bench in the nature of a public interest litigation, seeking implementation of the Schemes for disabled children directly by the Government or through the Ministry of Human Resources and Development, directions were given by the Division Bench accordingly.

4. In the affidavit filed in support of this writ petition, it had been stated that the NGO's did not pay salary for the services rendered by the petitioner between the period 2009 – 2010 and also between 2010 – 2011. It was claimed that a total sum of Rs.1,80,292/- is payable as salary at the rate of Rs.12,878/- for fourteen months. The petitioner had given several representations in this regard and finally frustrated had filed the present writ petition in the nature of a mandamus.

5. A direction is given to the second respondent to call for remarks from the fourth respondent whether the petitioner had actually rendered services as Special Educator between 2009 – 2010 and also between 2010 – 2011 in Integrated Education for Disabled Children Programme and if he had done so, determine the



W.P.No.3875 of 2018

rate for fixation of salary and examine all other records and take a considered decision whether the petitioner is eligible for payment as claimed by the petitioner or for some reason, the petitioner is not entitled for such payment. A decision may be taken by the second respondent within a period of sixteen weeks from the date of receipt of a copy of this order.

6. Writ petition stands disposed of. No costs.

08.09.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The Secretary,
Ministry of Human Resources and Development,
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Sashtri Bhavan,
New Delhi.
- 2.The Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
- 3.The Director of School Education,
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C.V.KARTHIKEYAN,J.

ssm

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