



Writ Petition No.7471 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

Writ Petition No.7471 of 2015

& MP No.1 of 2015

D.Chinna Rani

..Petitioner

VS.

1.The Director of School Education,
DPI Campus,
College Road,
Chennai-600 006

2.The Chief Educational Officer,
Ariyalur,
Ariyalur District.

3.The District Educational Officer,
Udayarpalayam,
Ariyalur District.

4.The Chief Educational Officer,
Perambalur

5.The Headmaster,
Government Higher Secondary School,
Periya Thathur,
Ariyalur Distirct.

6.Mr.C.Thangasami,
District Elementary Educational Officer,



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Thiruvarur District,
Former Headmaster of
The Government Higher Secondary School,
Periya Thathur,
Ariyalur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to pay the salary and arrears due to the petitioner, by considering the representation dated 15.11.2010 submitted by the petitioner and pay all consequential monetary and service benefits within a stipulated period as fixed by this Court.

For Petitioner : Ms.A.Arulmozhi

For Respondents : Mr.R.U.Dineshraj Kumar, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Mandamus, to direct the respondents to pay the salary and arrears due to the petitioner, by considering the representation dated 15.11.2010 submitted by the petitioner and pay all consequential monetary and service benefits within a stipulated period as fixed by this Court.



2.The brief facts of the case as narrated in the affidavit filed in support of the Writ Petition, are stated below:

(i)The petitioner was appointed as Secondary Grade Teacher on 27.12.1989. During the year 2002, when the petitioner was working in the Government Higher Secondary School, Sendurai, she refused to make a donation of Rs.5000/- to R.10000/-, which was demanded by the Headmaster, as a result, the Education Department Authorities developed vindictive attitude against the petitioner and she was transferred to faraway places in different schools from the year 2003. She was also issued with a charge memo dated 08.11.2004 with a vague allegation that petitioner left school without giving any explanation. Thereafter, the 4th respondent had placed the petitioner under suspension vide proceedings dated 09.11.2004 alleging that the petitioner had argued with the Headmaster and slipped at him in the presence of the teachers and students. Though, she was placed under suspension, she was not paid with the subsistence allowance. After 9 months from the date of suspension, the 4th respondent vide his proceedings dated 04.08.2005 had discharged the petitioner from suspension.



(ii)The petitioner made a detailed representation dated 07.02.2007 to the respondents 1 to 4 and Chief Minister's Grievances Cell expressing her pain and sufferings. After continuous representations to the respondents 1 to 4, the first respondent considered the petitioner's representation and she was issued with a posting order through the 2nd respondent vide proceedings, dated 01.07.2010. The petitioner joined at the Government High School, Periyathathur and later submitted a representation dated 15.11.2010 to the second respondent, requesting to grant dues and arrears as follows:

i) The salary of Rs.3479/- due for the month of December 2002 from the Government Higher Secondary School, Sendurai;

ii)The Salary of Rs.861/- due for May 2003 from Government Higher Secondary School, Sendurai.

(iii)Salary for the period from November 2004 to August 2005, from Government Higher Secondary School, Victiramangalam.

(iv)Salary for the period from August 2006 to 01.07.2010

(v)The increments due for the period 2004 to 2010.

(vi)The pay fixation based on VI Pay Commission from January 2006.



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WEB COUNCIL

Since, there was no response, the petitioner is before this Court by way of present Writ Petition.

3.During the course of arguments, the learned counsel for the petitioner would submit that even after filing the present Writ Petition, of the six aspects of the claim made by the petitioner in her representation, dated 15.11.2010, the respondents have not paid any of the arrears.

4.The learned Additional Government Pleader appearing for the respondents 1 to 4 has submitted that in respect of the claim of the petitioner if short time is granted, the respondents would consider the representation of the petitioner dated 15.11.2010, and pass appropriate orders in accordance with law.

5. Considering the facts and circumstances and the submissions made by the learned Addl.Government Pleader appearing for the respondents 1 to 4, keeping the large issue of payment of alleged arrears by the respondents, since the petitioner is only seeking Mandamus for disposal of her



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representation, this Writ Petition is disposed of, directing the respondents to consider the petitioner's representation dated 15.11.2010, in respect of her claim in respect of item nos.1 to 6 as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2023

Index : Yes/No
Speaking order: Yes/No
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Dr.D. NAGARJUN, J

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