



WEB COPY



W.P.No.6591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6591 of 2024

Mrs.J.Thenmozhi

...Petitioner

-Vs-

1.The Director of School Education,
D.P.I.Buildings,
College Road,
Chennai-6.

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

3.The District Educational Officer,
Vaniyambadi,
Thirupattur District.

4.The Correspondent,
Concordia Higher Secondary School,
Vaniyambadi-635 751
Vellore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to disburse the arrears of salary and all other consequential benefit to the petitioner from 07.06.2017 to 31.05.2023, in view of approval of petitioner's promotion as P.G.Assistant (Botany) in the 4th respondent School, vide proceedings of the 2nd



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respondent, in Na.Ka.No.3593/A2/2021, dated 09.05.2023, within a time frame.

For Petitioner : Mr.S.N.Ravichandran

For R1 to R3 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the respondents to disburse the arrears of salary and other consequential benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

3. The petitioner was appointed as B.T.Assistant in the fourth respondent School on 05.10.1993 in the sanctioned post. Her appointment was also duly approved by the fourth respondent. After completion of ten years of her service, she was granted Selection Grade and after completion of twenty years, she was granted Special Grade. The fourth respondent School is an aided Religious Minority Institution and it is governed by the provisions of Tamil Nadu Recognised Private Schools Regulations Act & Rules, 1973. While being so, a vacancy arose for the post of P.G.Assistant (Botany) , due to retirement of earlier incumbent, viz., C.Sundaravadana, on 31.05.2016. Therefore, the fourth



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respondent School promoted the petitioner to the post of P.G.Assistant (Botany)

and she had joined duty on 07.06.2017.

4. Pursuant to her promotion, the fourth respondent submitted a proposal for approval of appointment of the petitioner as P.G.Assistant (Botany) before the third respondent. However, the third respondent did not pass any orders. Therefore, the petitioner approached this Court by way of writ petition in W.P.No.23458 of 2021 and this Court, by an order dated 05.01.2023, directed the respondents to pass suitable orders on the proposal submitted by the fourth respondent seeking approval of her promotion to the post of P.G.Assistant (Botany) with effect from 07.06.2017. Thereafter, her appointment was approved by an order dated 09.05.2023 with effect from 07.06.2017. She was due for superannuation on 31.12.2022, since her superannuation falls in the middle of the academic year, she was permitted to work till 31.05.2023 and she was relieved from service on the same day. Despite the approval of her promotion of P.G.Assistant (Botany) with effect from 07.06.2017, the said period was not considered for her salary to the post of P.G.Assistant (Botany).

5. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that so far no proposal has been received from the fourth respondent to consider the request made by the petitioner.



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6. Considering the facts and circumstances of the case, the fourth respondent is directed to sent a necessary proposal seeking arrears of salary from the date of the petitioner's original promotion to the post of P.G.Assistant (Botany) on 07.06.2017. On receipt of the same, the second and third respondents are directed to disburse the arrears of salary within a period of eight weeks thereafter.

7. With the above direction, this Writ Petition stands disposed of.

No costs.

15.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

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Thirupattur,



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