

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 14771 of 2020****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 14771 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 6174 of 2021****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2022
In R/SPECIAL CIVIL APPLICATION NO. 6174 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 11987 of 2020****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2021
In R/SPECIAL CIVIL APPLICATION NO. 11987 of 2020**

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CHRISTIAN NILAM TIMOTHY**Versus****STATE OF GUJARAT**

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Appearance:**MR GAUTAM JOSHI, SR. ADVOCATE with****VYOM H SHAH(9387) for the Petitioner(s) No. 1,2,3,4,5,6****MR MANOHAR RAHEVAR, AGP for the Respondent(s) No. 1,3****MR AD OZA(515) for the Respondent(s) No. 2****MR RAJESHKUMAR M VAGHELA(10099) for the Respondent(s) No. 4****SUDHANSHU A JHA(8345) for the Respondent(s) No. 4**

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN**Date : 05/07/2023****ORAL ORDER**

1. Learned senior advocate Mr. Gautam Joshi for the petitioners submitted that the petitioners are the Special Teachers who are rendering their services at the various High School at Higher Secondary level assisting and teaching differently abled students. It is submitted that in Suo Motu PIL being Special Civil Application No. 33 of 2005 by the judgment

and order dated 22.03.2013, this Court has observed that the petitioners who are the teachers of special able child were entitled to get benefits available to the ordinary teachers and it was for the State Government to decide whether the mode of appointment will be left by the NGO or not, and salary should be paid by the Government as just like other ordinary teachers and have taken back the petitioners from the clutches of the NGO's and under their own supervision and control. It is submitted that the salary are being paid to the account of the petitioners through RTGS but the bills are raised by the NGO's, which was sent to the Government, hence the system of NGO's is still in existence. It is submitted that in the light of the judgment dated 22.03.2013 this Court has observed that the petitioners should not be in the hands of the NGO's, the Government or the appropriate department should take of and adopt the procedure regarding their pay bills and other administrative purpose should be by the department of the Government rather than NGO, which is not yet done. Learned advocate for the petitioners submits that service books are updated as per direction of this Court, however, salary bills or the accrued benefits had not be conferred upon the petitioners. It is also submitted that based upon the observation and the judgment dated 22.03.2013, the Government has issued G.R. dated 19.04.2023 wherein special teachers for IDSS has been adopted by the Commissioner Office. It is submitted by the learned senior advocate for the petitioners that the said G.R. is totally vague and ambiguous regarding all aspects of the teachers as their salaries, monitory benefits and other aspects. It is submitted that it is only for administrative purpose, which is not clarified as to which

purpose of administrations, the petitioners are being taken under the control of Commissioner, as such this aspect is to be clarified and also submitted that service rules, budget rules as well as other rules are also to be formulated.

2. In pursuance of the order dated 04.05.2023, learned Assistant Government Pleader Mr. Manohar Rahevar for the respondent-State has filed affidavit, which is received by the learned advocate for the petitioner.

3. Regarding all these aspects, learned senior advocate for the petitioners has filed an additional affidavit on behalf of the petitioners, which is taken on record and copy is being given to the learned Assistant Government Pleader.

4. In response to the additional affidavit filed by the learned senior advocate for the petitioners, learned Assistant Government Pleader to file reply before the next date of hearing.

5. The matter is adjourned to 02.08.2023. On that date, the responsible officer of the Education Department shall personally remain present before this Court.

SALIM/

(RAJENDRA M. SAREEN,J)