

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 24.4.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.12333 of 2015

T.Thangasamy

... Petitioner

versus

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Education Department,
Fort St.George,
Chennai 600 009.

2.The Director of School Education (secondary)
College Road,
Chennai 600 006.

3.The Director of Elementary School Education,
College Road,
Chennai 600 006.

4.The District Educational Officer,
Tirunelveli.

... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 30.1.2014 in the light of order dated 30.4.2009 passed in W.A.No.210 of 2009 and G.O.Ms.No.10(4D) School Education (D-2) Department dated 9.3.2012 for granting pay protection as that of Middle School Headmaster's scale of pay and to pay all monetary benefits.

For petitioner

Mr.B.Vijay

For respondents

Mr.V.Jayaprakash Narayanan, Spl.G.P.

O R D E R

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus directing respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 30.1.2014, in the light of order dated 30.4.2009 passed in W.A.No.210 of 2009 and G.O.Ms.No.10(4D) School Education (D-2) Department dated 9.3.2012, for granting pay protection as that of Middle School Headmaster's scale of pay and to pay all monetary benefits.

2. The petitioner was appointed as Secondary Grade Teacher in Government Aided School in 1973. He was promoted as Middle School Headmaster in 1995. The said school got upgraded as High School in 1999. Pursuant to the upgradation, the petitioner was absorbed in high school service as B.T. Assistant on 1.6.2001. Between 1999 and 1.6.2001, the petitioner was paid salary applicable to Middle School Headmaster and thereafter, he was paid B.T. Assistant Salary, which is lower to the scale of pay of Middle School Headmaster.

3. The grievance of the petitioner is that under similar cases, the Division Bench of this Court in W.A.No.210 of 2009, dated 30.4.2009, has issued a direction to protect the pay of scale of persons who were absorbed in the High School Service from the Elementary School Service. The said order was complied with by the Government by issuing Government Order in G.O.Ms.No.10 Education Department, dated 9.3.2012. Further it is brought to my notice that I have also quashed an order under similar circumstances in W.P.Nos.13469, 13470 of 2013 dated 4.6.2013. Another learned Judge has also passed an order dated 20.2.2014 in W.P.No.4737 of 2014 on similar lines. Hence, I am of the view that the respondents shall protect the pay of the petitioner in the post of Middle School Headmaster, while he continues in High School Service. Accordingly, the first respondent is directed to pass appropriate orders protecting the pay scale of the petitioner in the light of the order dated 30.4.2009, passed in W.A.No.210 of 2009 and G.O.Ms.No.10(4D) School Education (D-2) Department dated 9.3.2012, within a period of 12 weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

tar

To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Education Department,
Fort St.George,
Chennai 600 009.

2.The Director of School Education (secondary)
College Road,
Chennai 600 006.

3.The Director of Elementary School Education,
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4.The District Educational Officer,
Tirunelveli.

2 ccs to mr.B. Vijay Advocate, sr. 22694
1 cc to Government Pleader, sr. 22897

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