

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.21595 of 2015

Pon.Manogaran

...Petitioner

vs.

1.The Government of Tamil Nadu
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Thiruvannamalai District.

4.The District Educational Officer,
Cheyyar Education District,
Tiruvannamalai District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to pay salary for the period from 03.06.1999 to 05.06.2000 on Middle School Headmaster pay scale within time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.K.V.Dhanapalan
Addl.Govt. Pleader

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O R D E R

The petitioner was appointed as Secondary Grade Teacher in Higher Grade Post on 02.12.1969 at RCM Elementary School, Alapakkam, Arakkonam Taluk, Vellore District, which is a Government Aided School. Thereafter, he was promoted as Secondary Grade teacher in the same school in the year 1976.

2. Subsequently, the said RCM Elementary School was upgraded as Middle School. The petitioner was promoted as Headmaster in the said Middle School on 06.06.1993, in view of his possession of M.A., and M.Ed., degrees. The Middle School Headmaster post is a sanctioned post and scale of pay was fixed accordingly.

3. Thereafter, when St.Pauls High School, Cheyyar was upgraded as High School, the petitioner was promoted by transfer to the said School as Headmaster-in-charge in a retirement vacancy of one Mr.Baskar on 03.06.1999.

4. According to the petitioner, at the time of appointment to the post of Headmaster of High School, he was getting the scale of pay of Middle School Headmaster.

5. After he was posted as Headmaster of the High School, approval for his appointment to the post of Headmaster, High School was sent to the District Educational Officer.

6. However, the third respondent vide proceedings dated 04.10.1999 sent a reply stating that though the school was upgraded as High School, the post of Headmaster is not sanctioned by the Government and hence, the claim for approval of appointment for the post of Headmaster, High School was rejected by the fourth respondent. Thus, he was denied the pay of High School Headmaster. The petitioner has no quarrel over the same.

7. The grievance of the petitioner is that he was denied the pay of Middle School Headmaster, which he received before appointment to the post of Headmaster, High School. But he was paid B.T.Assistant pay on appointment to the post of Headmaster, High School, by transfer and the pay of B.T.Assistant is less than the pay of Middle School Headmaster.

8. Hence, the petitioner sent a representation to the second respondent to pay the salary in the pay scale of Middle School Headmaster, which is his last drawn pay.

9. But the second respondent, by his proceedings, dated 27.04.2000 rejected his claim and issued orders stating that at the time of upgradation of the school, the post of Headmaster is converted as ordinary B.T.Assistant and accordingly, scale of pay of B.T.Assistant was fixed and given to him.

10. Thereafter, the petitioner was again posted as Middle School Headmaster on 05.06.2000.

11. The petitioner sent a representation dated 14.03.2005 to pay salary for the period from 03.06.1999 to 05.06.2000 in the pay scale of Middle School Headmaster. The claim of the petitioner was rejected by the Government in its Letter No.8446/D2/05-3, dated 12.01.2009.

12. The grievance of the petitioner is that though the petitioner may not be entitled to claim the scale of pay of Headmaster, High School, but he cannot be deprived the pay of Middle School headmaster, which he was receiving earlier. I find some force in the contentions of the petitioner.

13. In view of the above, a direction is issued to the respondents to pay salary for the period from 03.06.1999 to 05.06.2000 in the scale of pay of Middle School Headmaster, to the petitioner, in the light of the facts set out above, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

svki

To

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

2. The Director of School Education,
College Road, Chennai - 6.

3. The Chief Educational Officer,
Thiruvannamalai District.

4.The District Educational Officer,
Cheyyar Education District,
Tiruvannamalai District.

1 CC to M/s. A.Malath Devapriyam, Advocate SR.No. 36474

1 CC to the Government Pleader, SR.No. 36650

W.P.No.21595 of 2015

CTK (CO)
PSI (14.08.2015)



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