

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.08.2015
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.24318 and 24319 of 2015

J.Jeyakumar ... Petitioner in W.P.No.24318 of 2015
S.Sithirai ... Petitioner in W.P.No.24319 of 2015

Vs.

- 1 The Secretary to Government
Educational Department Government of
Tamilnadu Fort St. George Chennai-600 009.
 - 2 The Director of School
Education (Secondary Education) College
Road Chennai-600 006.
 - 3 The Chief Educational Officer
Tuticorin-2.
 - 4 The District Educational
Officer Tuticorin-2.
- Respondents in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioners representation dated 11.04.2015 in the light of the order dated 30.04.2009 passed in W.A.No.210 of 2009 and the G.O.(4D) No.10 School Education (D-2) department dated 09.03.2012 for granting pay protection as that of Middle School Headmaster's Scale of pay and to pay all other monetary benefits within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Kamaraj
For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal.

2.The petitioners would state that they were appointed as Secondary Grade Teacher in the services of St.Ignatius Middle School, Innasiarpuram, Thoothukudi and were promoted as the Head Master (Incharge) on 14.12.2015 and posted in St.Antony High School, Siluvaipatti. The school was upgraded and the petitioners were paid with salary as that of B.T.Assistant. The petitioners would state that since the school is aided upto middle school level, the petitioners ought to have been paid with middle school pay of scale instead of B.T.Assistant scale of pay and G.O.(4D) No.10 School Education (D-2) department dated 09.03.2012 also stipulates that middle school scale of pay should be given to similarly placed Teachers. The petitioners have submitted a representation dated 13.04.2015 to the respondents 1 and 2 praying for scale of pay as that of the middle school Headmaster scale of pay with effect from 14.12.2005 and 02.06.2003 respectively, and since no orders have been passed came forward to file these writ petitions.

3.The learned counsel appearing for the petitioners would submit that the matter in issue is squarely covered by the judgment dated 30.04.2009 made in W.A.No.210 of 2009 (The State of Tamil Nadu rep. by its Secretary to Government Education Department, Fort St.George, Chennai 600 009 and two others Vs. A.Raj and another). Therefore, appropriate directions may be given to the respondents to confer the petitioners with the said benefit.

4.This Court heard the submissions of Mr.R.Kamaraj, learned counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.This Court taking into consideration the limited scope of prayer sought for by the petitioners and without going into the merits of the claim projected by them, directs the second respondent to consider and dispose of the petitioners representation dated 13.04.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

6.The writ petitions are disposed of accordingly. No costs.

-s/d-

Asst.Registrar (CS IV)

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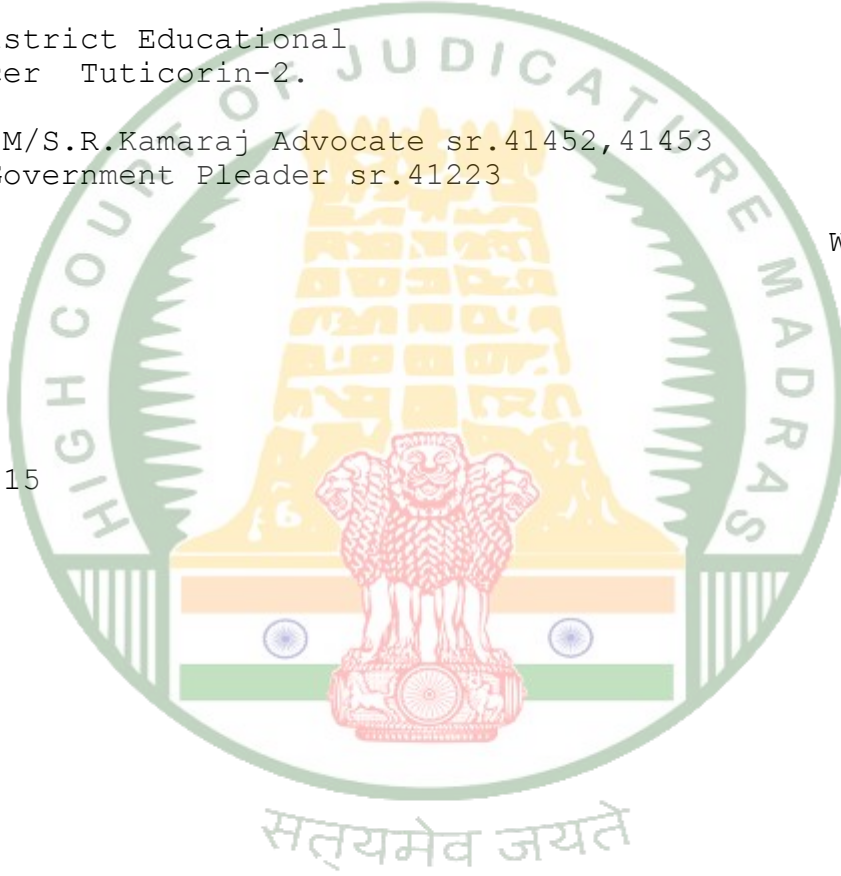
Sub Asst. Registrar

To

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Educational Department Government of
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- +2 ccs to M/S.R.Kamaraj Advocate sr.41452,41453
+1 cc to Government Pleader sr.41223

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