

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32436 of 2015

M.Rajamani

.. Petitioner

vs

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

2. The District Elementary
Educational Officer
Nagercoil, Kanyakumari District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to issue orders extending the benefits of the order of this Honourable Court in W.P. No. 8368/2008 dated 10-11-2009 and the order of the first respondent in G.O. (3-D) No. 41, School Education (G2) Department dated 27.3.2012 and fix my pay in the scale of pay applicable to the post of Primary School Headmaster for the period of service rendered by the Petitioner in the said post from 02-1-1996 to 28-02-1999 and grant him all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he was initially appointed as a Higher Grade Teacher on 16.11.1962, and during 1969, was given upgradation as Secondary Grade Teacher with effect from 1.10.1969 and would further add that during 1995, the Government Primary and Middle Schools in Kanyakumari District were brought under the administrative control of the Director of School Education and subsequently, it was

transferred to the Director of Elementary Education with effect from 1.6.2000, and for the period between 1.1.1996 and 31.5.2000, the Primary and Middle Schools were under the administrative control of the Director of School Education and number of vacancies had occurred in the post of Primary School Headmaster and it was filled up by transfer from the category of Selection Grade and Special Grade Secondary Grade Teachers as per the District-wise Seniority and though they were appointed as Primary School Headmasters, they were not given the scale of pay applicable to the said post, but were continued in the erstwhile scale of pay, and thus, an anomalous situation arose on account of the same.

3.It is further averred by the petitioner that in this regard, W.P.No.8368/2008 was filed claiming the fixation of scale of pay forthwith for the service rendered by them in the post of Primary School Headmaster between 1.1.1996 and 31.5.2000, and the said writ petition was allowed and it was also implemented in G.O.(3D) No.41, School Education (G2) Department, dated 27.3.2012. It is the claim of the petitioner that he is entitled to the benefit of the said G.O. as he is also similarly placed and in this regard, has submitted a representation dated 7.8.2015, to the first respondent and since no orders have been passed, came forward to file this writ petition.

4.The Court heard the submissions of the learned Counsel appearing for the petitioner, and Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the first respondent to consider the petitioner's representation dated 7.8.2015, on merits and in accordance with law and pass orders thereon within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

nsv

To:

1.The Principal Secretary
to Government

School Education Department

<https://hcservices.ecourts.gov.in/hcservices/>
Fort St. George, Chennai 600 009

2.The District Elementary
Educational Officer
Nagercoil, Kanyakumari District

+1 CC to MR. P.Rajendran ADVOCATE. SR.NO. 57036
+1 CC to Govt.Pleader. SR.NO. 55971

W.P.No.32436 of 2015

CO-SKV
JD 26/10/2015



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