

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32706 of 2015

A.Thingal Venkudaiyan

.. Petitioner

vs

1.The State of Tamil Nadu
Rep. By its Principal Secretary to
Government
School Education Department
Secretariat, Fort St. George
Chennai 600 009

2.The Director of School Education
DPI Campus, College Road
Chennai 600 006

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to revise the scale of pay of the petitioner who is working as Art Master with qualification of Diploma in Fine Arts in the category of Art Master Grade I retrospectively as per the orders passed in Government Letter No.88189/PC-IA/89-1, Finance (Pay Commission) Department, dated 23.8.1989, with consequential and other attendant benefits including arrears of salary by considering the representation submitted by the petitioner dated 5.1.2015, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

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

2.The petitioner claims that he is qualified with Diploma in Fine Arts (DFA), which is a five year course, and was appointed as Art Master in the services of the Department of School Education and the said post comes under the Special Rules for the Tamil Nadu School Educational Subordinate Service. According to the petitioner, the Special Rules originally prescribed a qualification for the post of Art Master as "pass

in Government Technical Examination (Higher Grade)" and the person holding Technical Teacher Certificate is eligible for appointment to the said post, and the Government Technical Examination (Higher Grade) is an examination conducted by the Department of Government Examination without being any course conducted or giving any training and subsequently, the Special Rules were amended and notified in G.O.Ms.No.1636, Education Department, dated 17.11.1989, in and by which, the Diploma in Fine Arts has been added as eligible qualification and it is also declared as equivalent to a Degree in Fine Arts (BFA) as per G.O.Ms.No.190, Tourism and Cultural Department, dated 30.10.2009.

3.It is further stated by the petitioner that the Special Rules once again, came to be amended as per G.O.Ms.No.81, School Education Department, dated 26.3.2012, to include the Degree in Fine Arts as eligible qualification for appointment to the post of Art Master and they are also eligible to take Classes for Standards VI to VIII and the scale of pay has been fixed as applicable to the post of Secondary Grade Teacher.

4.The grievance expressed by the petitioner, is that in spite of such an order, the petitioner and other Art Masters are not given the benefit of revision of scale of pay as per the Government Order, by grouping them under the category of Artist Grade-I with consequential revision of scale of pay as on 1.1.1996 to 1.1.2006 and in this regard, he has also submitted a representation dated 5.1.2015, to the first respondent through proper channel and since no orders have been passed, came forward to file this writ petition.

5.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.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going to the merits of the same, directs the first respondent to consider the petitioner's representation dated 5.1.2015, 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(CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To:

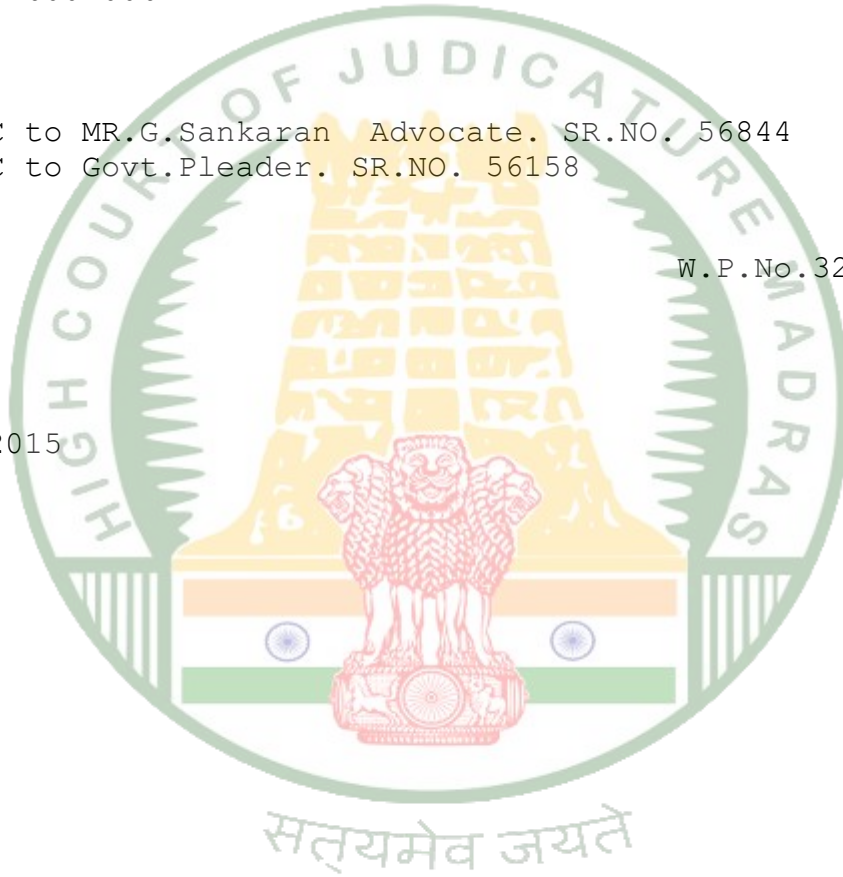
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+1 CC to MR.G.Sankaran Advocate. SR.NO. 56844
+1 CC to Govt.Pleader. SR.NO. 56158

W.P.No.32706 of 2015

CO-SVI
JD 29/10/2015



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