

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34486 of 2015

***S.Chandrodhayam**

... Petitioner

Vs

1. The Principal Secretary to Government
Government of Tamil Nadu
School Education Department,
Secretariat, Fort St George
Chennai 600 009.
2. The Director of School Education
College Road, Nungambakkam,
Chennai 600 006.
3. The Chief Educational Officer
Salem, Salem District 636 001.
4. The District Educational Officer
Salem, Salem District 636 001.
5. The Headmaster
Government Higher Secondary School
Deviakurichi Post 636 112
Aathur Taluk, Salem District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to award pay protection in the category of B.T. Grade Middle School Headmaster with effect from the date of absorption 31.03.1986 to the date of retirement 29.02.2004 in the light of the Government Letter issued by Special Commissioner and Secretary to the Government, School Education Department in Government Letter No.76967/M1/88 dated 15.06.1988 and award Special Grade Middle School Headmaster pay with effect from 01.06.1988 to 29.02.2004 and the consequential benefits including revision of pension.

For Petitioner : Mr.K.Thennan

For Respondents : Mr.V.Subbiah,
Special Government Pleader

ORDER

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

2. The petitioner claims that he was fully qualified to become a Secondary Grade Teacher and accordingly, he functioned in the post of Secondary Grade Teacher between 17.05.1968 and 30.11.1979 ; rendered service as B.T. Grade Middle School Headmaster from 01.12.1979 to 30.03.1986 and got absorbed as Tamil Pandit while upgradation was done in respect of Middle School as High School, on 31.03.1986. The petitioner worked as Tamil Pandit in High School after absorption from 31.03.1986 to 29.02.2004 and retired from service on attaining the age of superannuation on 29.02.2004. It is stated that the School Education Department in its Letter No.76967/M1/88 dated 15.06.1988 awarded Pay Protection to the Middle School Headmasters who were absorbed to High Schools while Middle Schools were upgraded as High Schools. Similarly placed persons have filed WP.No.7980/2013 and this Court, vide order dated 09.09.2014 has quashed the impugned order with appropriate directions. Since the petitioner is similarly placed, he prays for appropriate orders.

3. This Court heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

4. Though the petitioner has prayed for the larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 07.01.2015 on merits and in accordance with law, after taking note of the above cited Government Letter dated 15.06.1988 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 petitioner.

5. The writ petition is disposed of accordingly.
No costs.

sd/
ASSISTANT REGISTRAR (CS-III)
Dated : 19.11.2015

***Corrected as per letter
dated 11.01.2016.
Sd/-Assistant Registrar (CS III)
Dated : 05.02.2016**

/TRUE COPY/

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To

1. The Principal Secretary to Government
Government of Tamil Nadu
School Education Department,
Secretariat, Fort St George
Chennai 600 009.
2. The Director of School Education
College Road, Nungambakkam,
Chennai 600 006.
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5. The Headmaster
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Aathur Taluk, Salem District.

To be Substituted
to the Order already
despatched on
15.12.2015

+1 CC to MR.K.Thennan Advocate. SR.NO. 59161
+1 CC to Govt.Pleader. SR.NO. 59265

W.P.No.34486 of 2015

CO-MP

JD 20/11/2015

CA (08.02.2016)

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