

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31609 of 2016

S.Chidambaram

... Petitioner

vs.

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

2.The Chief Educational Officer,
Vellore, Vellore District.

3.The District Educational Officer,
Tirupathur - 635 601,
Vellore District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to revise the petitioner pay scale from July 2011 as per the petitioner's representation dated 29.06.2016.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.N.Srinivasan,
Addl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to revise his pay scale from July 2011 as per his representation dated 29.6.2016.

3. It is the case of the petitioner that he was appointed as BT Assistant on 9.2.1983 at K.V.Kuppam Government High School, Vellore District. Later, he was awarded selection grade on 9.2.1993 and special grade on 9.2.2003. Thereafter, he was promoted as P.G. Assistant on 28.7.2006 and Head Master on 8.9.2007 at Melravandavadi High School, Thiruvannamalai. On 1.6.2008, he was transferred to Kattupakkam High School, Vellore District, on counseling and thereafter, to Machanur Government High School, Vellore, on 1.7.2010 on counseling and he retired from service on 30.9.2011 on attaining the age of superannuation. It is the further case of the petitioner that the first respondent released the list for the promotion of Higher Secondary School Head Master on 1.1.2011 and the petitioner's name was selected in Sl.No.94 and preference No.9156 in the selection list released by the first respondent. Actually, the counseling for the post of Higher Secondary School Head Master was to be held in the month of June or July in the year 2011 and there was no counseling conducted in the month of June or July 2011 and the counseling was held only on 30.10.2011. If the counseling was conducted in the month of June or July 2011, the petitioner would have been promoted as Higher Secondary School Head Master as per the selection list dated 1.1.2011 released by the first respondent and he lost his opportunity of promotion as well as monetary benefits including pension. In this regard, he sent a representation dated 29.6.2016 to the respondents seeking revision of his scale along with pension. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 29.6.2016 seeking revision of his pay scale from July 2011, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the first respondent

to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi
To

- 1.The Director of School Education,
College Road, Chennai - 6.
- 2.The Chief Educational Officer,
Vellore, Vellore District.
- 3.The District Educational Officer,
Tirupathur - 635 601
Vellore District.

+1 cc to M/s.M.Thamizhavel Advocate sr 51701
+1 cc to the Government Pleader sr 51931

W.P.No.31609 of 2016

aa26/09/2016

WEB COPY