

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.332 of 2016

S.Xavier
Headmaster-Incharge,
Punitha Paul Higher Secondary School,
Singamparai,
Tirunelveli District ... Petitioner

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
Tirunelveli
- 4 The District Educational Officer
Cheran Mahadevi,
Tirunelveli District ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 20.04.2015 in the light of the order dated 30.04.2009 passed in W.A.No.210 of 2009 and the G.O.Ms. No.10 (4D) School Education (D-2) Department dated 09.03.2012 for granting Pay protection as that of Middle School Headmasters Scale of Pay and to Pay all other monetary benefits within a time frame.

For Petitioner : Mr.R.Kamaraj

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

With the consent of both parties, the writ petitions are taken up for final disposal.

2. Heard Mr.R.Kamaraj, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents.

3. The petitioner was working as Middle School Headmaster in different schools and those schools were upgraded as High Schools under self-finance scheme. It is the grievance of the petitioner that he was not granted the scale of pay as that of Middle School Headmaster. On the other hand, he was given the scale of pay as that of B.T.Assistant.

4. When similarly placed teachers filed writ petitions claiming scale of pay as that of Middle School Headmaster, this Court allowed the writ petitions by holding that pay protection should be given to him as that of Middle School Headmaster in the event of the upgradation of the Middle School as High School. The writ appeal filed by the State was also dismissed by an order dated 30.04.2009 in W.A.No.210 of 2009. The Government has also issued G.O.(4D) No.10, School Education Department, dated 04.10.2012 granting pay protection to the teachers who had filed writ petitions before this Court. Since the petitioner is similarly placed, he has made representation dated 20.04.2015 to the respondents to extend the benefit of the Government Order referred to above. Since no order is passed, he has filed the present writ petition.

5. In view of the narrow prayer made, the writ petition is disposed of, directing the respondents 1 and 2 to consider the representation of the petitioner dated 20.04.2015, in the light of G.O.(4D) No.10, School Education Department, dated 04.10.2012 and pass orders, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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
Tirunelveli.
- 4 The District Educational Officer
Cheran Mahadevi,
Tirunelveli District.

+lcc to Mr.M.R.Kamaraj, Advocate, S.R.No.3287
+lcc to the Government Pleader, S.R.No.3311

ev (CO)
srg (25/02/2016)

W.P.No.332 of 2016



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