

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.12.2016
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.43785/2016

P.Princess

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Petitioner

Vs

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

2.The District Elementary Educational Officer
Tuticorin District, Tuticorin.

3.The Assistant Elementary Educational Officer
Sathankulam, Tuticorin District. ...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to pass orders for fixation of salary in the post of Primary School Headmaster from the date of initial appointment of the petitioner in the light of the orders passed in G.O.[3D] No.17, School Education Department, dated 20.01.2011 and the orders passed in WP.No.19895/2003 dated 23.01.2013 with all consequential and other attendant benefits including revision of pay scale and arrears of salary, by considering the representation submitted by the petitioner dated 20.04.2016.

For Petitioner : Mr.G.Sankaran

For Respondents: Mrs.K.Dhananjayan, Spl.GP

सत्यमेव जयते
ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader who accepts notice on behalf of the respondents.

2 The petitioner would state that she is having qualification of B.A., B.Ed., and a vacancy arose to the post of Primary School Headmaster in Sri Pandya Primary School, Velanputhukulam, Nedunkulam Post, Tuticorin District, a Government Aided Minority Institution, due to retirement of an incumbent. The petitioner was appointed as the Primary School Headmaster on 26.02.1996 and for the appointment to the said

post/Middle School Headmaster, five years experience in the post of Secondary Grade Teacher is required as per the relevant Government Order and in case of no qualified hands with five years teaching experience in the post of Secondary Grade Teacher is available, vide G.O.Ms.No.97, School Education Department dated 05.07.2011, it has been clarified that the appointment to the post of Primary / Middle School Headmaster can be made subject to the condition that should draw Secondary Grade Teacher salary for a period of five years and thereafter, to get the Headmaster scale of pay and accordingly, the appointment of the petitioner was also approved.

3 The petitioner would aver that the School Education Department has subsequently issued G.O.[3D] No.17 dated 20.01.2011 in compliance of the order passed in a batch of writ petitions, stating that granting Headmaster scale of pay from the date of initial appointment in relaxation of the relevant rules and as such, the individuals appointed as Primary School Headmasters are eligible for Headmaster Scale of Pay from the date of initial appointment, though they were appointed without completion of five years experience in the post of Secondary Grade Teacher.

4 The learned counsel for the petitioner would submit that in similar facts and circumstances, this Court, vide order dated 23.01.2013 made in WP.No.19895/2003 [Delphin Selvalatha Vs. The Director, Elementary Education, Chennai-6 and 4 others], has conferred the benefit to the petitioner therein and the petitioner, in this regard, has also submitted a representation to the 2nd respondent through proper channel for conferment of the said benefit on 20.04.2016 and since it has not been given disposal, the petitioner came forward to file the present writ petition.

5 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in her representation or in this writ petition, directs the 2nd respondent to forward the proposal, if the papers are otherwise in order, to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the said proposal, shall consider the same on merits

and in accordance with law and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
- 2.The District Elementary Educational Officer
Tuticorin District, Tuticorin.
- 3.The Assistant Elementary Educational Officer
Sathankulam, Tuticorin District.

+1 cc to the Government Pleader sr 74716

W.P.No.43785/2016

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