



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.08.2016

CORAM:
THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14416 of 2016

K.Shahul Hameed

: Petitioner

Vs.

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

2.The Director of Elementary Education,
College Road,
Chennai - 6.

3.The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.

4.The Assistant Elementary Educational Officer,
Radhapuram,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Nos.1 and 2 to grant pay protection as that of Elementary School Headmaster with all monetary benefits to the Petitioner in accordance with G.O.No.202 School Education(G2) Department, dated 24.09.2008 on the basis of the petitioner's representation, dated 26.05.2016 within a time frame as may be fixed by this Court.

For petitioner :Mr.G.Ramanathan
For Respondents :Mr.R.Anandharaj,
Government Advocate

O R D E R

The petitioner Mr.K.Shahul Hameed, who served as Headmaster in Panchayat Union Primary School at Uthankarai, Dharmapuram District, from 09.07.1986 to 24.10.1989, was transferred to Panchayat Union Elementary School, Kadayam, Tirunelveli District, as Secondary Grade Teacher and thereafter, was transferred to Kadayam Middle School in Radhapuram Panchayat Union and, after working as Secondary Grade Teacher from 25.10.1989 to 31.05.2000, he retired from service.



2. It is submitted by the learned counsel for the petitioner that prior to 01.06.1988, the scale of pay for the Post of Headmaster in Primary Schools and the Post of Secondary Grade Teacher, are one and the same and only after the 5th Pay Commission, the pay scale against the Post of Headmaster came to be revised treating the said Post as a higher cadre. It is further submitted that the petitioner worked as Headmaster till 24.10.1989 at Panchayat Union Primar School at Unthakarai, Dharmapuri District and thereafter, he was transferred to Tirunelveli District as Secondary Grade Teacher. At that time, the Post of Headmaster and Secondary Grade Teacher were constituted in one classification. Thereafter, the Government issued G.O.No.202 School Education(G2) Department, dated 24.09.2008. As per the said Government Order, the Primary School Headmasters, who were holding the said Post prior to 01.06.1988 and subsequently, transferred to other Panchayat Union and posted as Secondary Grade Teacher, shall be treated as Primary School Headmaster and their services prior to 01.06.1988, shall be counted for the purpose of selection grade irrespective of the fact whether the candidates had approached the Tribunal and got orders or not. Inasmuch as the petitioner worked as Headmaster in the Panchayat Union School, Dharmapuri District, from 09.07.1986 to 24.10.1989 and thereafter, he was transferred to Panchat Union Elementary School, Kadayam, Tirunelveli District, as Secondary Grade Teacher, the abovesai G.O.Ms.No.202, School Education(G2) Department, dated 24.09.2008, will apply to the case of the petitioner. Stating the above facts, the petitioner has made a representation before the respondents on 26.05.2016, but, the same has not been considered so far, hence, this Writ Petition.

3. Mr.Anandharaj, learned Government Advocate, after taking notice on behalf of the respondents, would submit that the case of the petitioner has been considered by the Senior Accounts officer on 09.06.2015, stating that the petitioner was reverted from the post of Headmaster to the Post of Secondary Grade Teacher on 25.10.1989 and thereafter, he is not eligible for re-fixation of pay on the basis of G.O.No.202 School Education(G2) Department, dated 24.09.2008.

4. But, as mentioned above, when the petitioner served as Headmaster in the Panchayat Union Primary School at Uthankarai, Dharmapurai District, from 09.07.1986 to 24.10.1989, later was transferred to Panchayat Union Elementary School, Kadayam, Tirunelveli District, as Secondary Grade Teacher, and thereafter, was transferred to Kasthuri Rengapuram Middle School in Radhapuram Panchayat Union, and after working there as Secondary Grade Teacher from 25.10.1989 to 31.05.2000, retired from service, his case needs examination to find out whether G.O.Ms.No.202, can be applied to the petitioner or not.



5. In view of the above, respondent Nos.1 and 2 are directed to consider the representation of the petitioner, dated 26.05.2016, and pass appropriate orders on the same in the light of G.O.Ms.No.202 School Education(G2) Department, dated 24.09.2008, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of.
No Costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai - 6.
- 3.The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Assistant Elementary Educational Officer,
Radhapuram,
Tirunelveli District.

+1cc to Mr.G.Ramanathan, Advocate SR.No.43017
+1cc to special Government Pleader Sr.NO.43239

pm

sm:SKS-RR:31/08/2016:3P/7C

W.P. (MD) No.14416 of 2016
09.08.2016