



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2016

CORAM :

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.(MD)Nos.22811 of 2016
& W.M.P.(MD) No.16326 of 2016

P.Kohila

... Petitioner

vs.

1. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Thoothukudi, Thoothukudi District
 2. The District Educational Officer,
O/o. The District Educational Officer,
Thoothukudi, Thoothukudi District
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu.No.1279/A1/2015, dated 20.06.2015, signed on 03.07.2015 on the file of the first respondent, quash the same as illegal and consequently to direct the respondents to refix the pay of the petitioner on par with Tmt.R.Anna Sundarai, who is the junior to the petitioner within the time stipulated by this Court.

For Petitioner : Mr. T.Lajapathi Roy

For Respondents : Mr. V.R.Shanmuganathan, Spl.G.P.,

ORDER

The first respondent passed the impugned order, dated 20.06.2015, returning the proposal for rectification of pay anomaly on the ground that the M.Ed. degree obtained by the petitioner cannot be equated with M.Phil degree obtained by her junior, Annasundari, and therefore, G.O.Ms.No.710, dated 23.08.1994, cannot give any relief to the petitioner. Challenging this impugned order, the writ petition has been filed.

2. Mr. V.R.Shanmuganathan, learned Special Government Pleader accepts notice for the respondents. Heard both sides. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal.



Brief facts:-

3. The petitioner was appointed as B.T.Assistant (Maths) recruited through Teachers Recruitment Board on 20.12.1993. On completion of his ten years service, she was awarded selection grade on 20.12.2003. Presently, she was serving as Head Mistress at the Government Higher Secondary School, Vembur, Thoothukudi District. The petitioner noticed that the pay scale awarded to her was comparatively lesser than other teachers appointed after the petitioner. Therefore, the petitioner submitted an application dated 06.03.2015, seeking rectification of pay anomaly between the petitioner and another junior teacher, namely, Tmt.R.Annasundarai, along with the comparative statement of service particulars. This request for rectification of pay anomaly was returned by the impugned order stating that M.Ed., degree and M.Phil degree are not the same higher educational qualifications. Challenging this finding, this writ petition has been filed.

4. The learned counsel for the petitioner submitted that the reasoning that the M.Ed. Degree and M.Phil degree are not the same higher educational qualification is misconceived and they must be considered as one and the same, at least for the limited purpose of considering the incentive increment. The learned counsel further submitted that the respondents must consider the same in a proper perspective, when the representation is re-presented.

5. This proposition is not disputed by the learned Special Government Pleader appearing for the respondents.

6. Accordingly, the petitioner is directed to re-present the claim for rectification of her pay anomaly and on such re-presentation, the respondents shall reconsider the claim, in the light of the fact that both M.Ed., and M.Phil degrees are to be considered as the same for the limited purpose of consideration of incentive increments and to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/



To

1. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Thoothukudi, Thoothukudi District

WEB COPY

2. The District Educational Officer,
O/o. The District Educational Officer,
Thoothukudi, Thoothukudi District

+1 cc to M/S.T.LAJAPATHI ROY, Advocate SR.No.74150

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MAS/SV-MMS/09.02.2017:3P/4C