



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.899 of 2017
and
C.M.P. (MD) .No.6060 of 2017

- 1.The Director of School Education,
College Road,
Chennai.
- 2.The District Education Officer,
Kovilpatti Educational District,
Kovilpatti, Thoothukudi District.
- 3.The Assistant Elementary Education Officer,
Kovilpatti, Thoothukudi District. ... Appellants

vs.

- 1.M.Anthony
- 2.The Secretary / Correspondent,
St.Joseph's Higher Secondary School,
Kovilpatti,
Thoothukudi District. ... Respondents

Prayer : Writ Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order, to set aside the order on 20th April, 2017 and passed in W.P.(MD).No.16478 of 2013.

Prayer in WP(MD). 16478/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd Respondent made in Na.Ka.No. 3108/A1/2013 dated 13.08.2013 and quash the same and consequently directing the 2nd & 3rd Respondents to fix the scale of pay of the Petitioner in the cadre Middle school Head Master and pay arrears of the salary.

For Appellants

: Mr.T.S.Mohammed Mohideen
Spl.Govt. Pleader

**J U D G M E N T**

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.,)

The Education Department is on appeal questioning the order dated 20th April, 2017, made in W.P.(MD).No.16478 of 2013.

2.The first respondent herein had filed the said writ petition questioning the order dated 13th August, 2013 passed by the District Educational Officer, Kovilpatti in ந.க.எண்.3108/அ1/2013.

3.The grievance of the petitioner was that following the upgradation of RC Middle School as St.Joseph's High School on 05th June 1997, he was absorbed as B.T.Assistant. When the school was upgraded as High School, the writ petitioner was working as a Middle School Head Master.

4.According to the writ petitioner, he was promoted as Head Master in the said school on 03rd June 1997. But, following his absorption as B.T.Assistant, his pay scale was downgraded from Rs.5900-200-9900 to Rs.5500-175-9000. The writ petitioner was aggrieved by such reduction. He therefore represented to the authorities for pay protection. The said request was rejected by the District Educational Officer, Kovilpatti, by order dated 13th August, 2013, in ந.க.எண்.3108/அ1/2013. Questioning the same, the first respondent herein filed W.P.(MD).No.16478 of 2013.

5.The learned single Judge, after setting out the facts, noted that this Court had constantly has held that if the Headmaster of Middle School is absorbed as B.T.Assistant on the school being upgraded as High School, the scale of pay cannot be reduced and that those persons, who were serving as a Headmaster of the Middle School on the date of upgradation should continue to be paid in the same scale of pay, namely, Rs.5900-200-9900.

6.We entirely agree with the said reasoning and sustain the order made in the writ petition. There are no merits in the writ appeal.

7.Accordingly, the writ appeal stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.63496

ARUL/SKM

JS/SV/SAR.1/17.7.2017/2P-2C

W.A(MD)No.899 of 2017

and

C.M.P. (MD) .No.6060 of 2017