



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 20.04.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

W.P. (MD) .No.16478 of 2013

M.Anthony

... Petitioner

**Vs.**

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.
4. The Secretary/Correspondent  
St.Joseph's Higher Secondary School  
Kovilpatti,  
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2<sup>nd</sup> respondent made in Na.Ka.No. 3108/A1/2013 dated 13.08.2013 and quash the same and consequently directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to fix the scale of pay of the petitioner in the cadre Middle School Head Master and pay arrears of the salary.

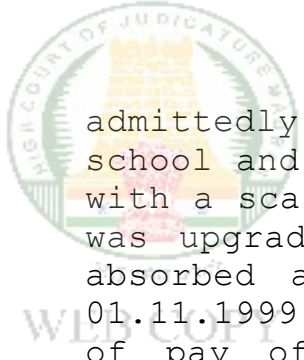
|                                |                                               |
|--------------------------------|-----------------------------------------------|
| For Petitioner                 | : Ms.M.Maria Vinola                           |
| For Respondents 1-3            | : Mr.S.Kumar<br>Additional Government Pleader |
| For 4 <sup>th</sup> Respondent | : Mr.R.Murali                                 |

**ORDER**

Challenging the order of the District Educational Officer, dated 13.08.2013, the petitioner is before this court.

2.The facts leading to the passing of the impugned proceedings are as follows:-

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner was appointed as a Secondary Grade Teacher in the fourth respondent school, on 27.04.1979, which is



admittedly a minority institution. The said school was a middle school and the petitioner was promoted as Headmaster on 03.06.1997 with a scale pay of Rs.5900-200-9900. The fourth respondent school was upgraded as high school from 05.06.1997. The petitioner was absorbed as B.T.Assistant in the same school with effect from 01.11.1999 on the scale of pay Rs.5500-175-9000. Since the scale of pay of B.T.Assistant is lesser than the scale of pay of Headmasters of the Middle school, the petitioner sought for rectification of anomaly and claimed that he should be paid the same salary that he was receiving as a Middle School Headmaster. The said claim of the petitioner was rejected by the authority on the ground that G.O.(4d)No.10 School Education Department, dated 09.03.2012, is applicable only to the teachers referred in the said Government Order. The said Government Order itself came to be passed based on a decision of this Court.

3.In several writ petitions, this Court consistently held that if the headmaster of the middle school is absorbed as B.T. Assistant on the school being upgraded as a high school, the scale of pay cannot be reduced and those persons who are serving as a headmaster of middle school on the date of upgradation should be paid the same scale of pay namely, Rs.5900-200-9900. Therefore, the conclusion of the authority that G.O.(4D)No.10, School Education Department, dated 09.03.2012 would be applicable only to the persons referred in the Government Order cannot be accepted.

4.This Court, after considering G.O.(4D)No.10, School Education Department, dated 09.03.2012, in W.P(MD)No.5993 of 2008, dated 30.07.2012 (**S.Chitambaram Vs.The Director of School Education, Chennai**) has held that the teachers who got absorbed as B.T.Assistants in the upgraded High School while they were serving as headmaster of Middle School would be entitled to the same scale of pay.

5.In such view of the matter, the rejection of the petitioner's claim is liable to be set aside. Accordingly, it is set aside and Rule Nisi is made absolute. The writ petition is allowed. The second respondent is directed to pass orders revising the salary of the petitioner at Rs.5900-200-9900 from the date of his absorption viz., on 01.11.1999, till the date of his superannuation. The said excise shall be completed within a period of two weeks from the date of receipt of copy of this order.

Sd/-

Assistant Registrar (CO)

/True Copy/



To

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.

+ 1 CC TO Mr.K.GOVINDARAJAN, ADVOCATE IN SR No. 5636

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 53443

RMI/VSG

TE/MMS : 09/05/2017 : 3P/6C

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