

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3587 of 2018

A.Santhanalakshmi

...Petitioner

Versus

1. The Director of Elementary Education,
College Road, Chennai-6.
 2. The District Elementary Educational Officer,
Tiruvallur District, Tiruvallur.
 3. The Additional Assistant Elementary Educational
Officer, Puzhal Panchayat Union,
Puzhal, Tiruvallur District.
- ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's Appeal dated 14.02.2015 (which was given to the 2nd respondent praying for re-fixation of the petitioner's pay taking into account of her services in regular establishment in the Government aided School) in the light of the order passed in the matter of D.Narayanasamy in the Proceedings of the Assistant Elementary Educational Officer, Vellore Rural in Na.Ka.No.594/A1/2011 dated 28.7.2011 on merits within a time frame stipulated by this Court.

For Petitioner : Mr.A.S.Kaizer

For Respondents : Mr.C.Munusamy, G.A.

1 to 3

ORDER

The Writ Petition has been filed to issue a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's Appeal dated 14.02.2015 which was given to the 2nd respondent praying for re-fixation of the petitioner's pay taking into account of her services in regular establishment in the Government aided School, in the light of the order passed in the matter of D.Narayanasamy in the Proceedings of the Assistant Elementary Educational Officer, Vellore Rural in Na.Ka.No.594/A1/2011 dated 28.7.2011 on merits within a time frame stipulated by this Court.

2. Learned Counsel for the petitioner submitted that the petitioner was appointed as Junior Grade B.T. Assistant in N.A.P. Middle School, Chennai-1, which is a Government Aided School, after getting permission from the concerned District Elementary Educational Officer to fill up the post by the Management w.e.f. 01.11.2004. While so, the concerned District Elementary Educational Officer by his Order dated 24.01.2005 deployed her to B.Subborayan Middle School, Chennai-21. Subsequently, as per G.O.Ms.No.99, School Education

Department, dated 26.07.2006, she was brought under the regular time scale of pay applicable to B.T. Assistant Teacher w.e.f. 01.06.2006 and she has also successfully completed her probation on 31.5.2008.

3. The learned Counsel for the petitioner further submitted that in the meantime, based on the Employment Exchange seniority, the petitioner was selected by the Teachers Recruitment Board and an order of appointment as B.T. Assistant (Science) Teacher was given to her in and by the proceedings of the Director of Elementary Education, Chennai dated 30.12.2008 and posted at Uliyanallur Panchayat Union Middle School, Nemili Panchayat Union, Vellore District and accordingly joined in the said post on 02.1.2009. Now the grievance of the petitioner is that though she was granted the selection grade after completion of 10 years from the date of her appointment in the regular time scale of pay w.e.f. 01.06.2006, her salary has not been re-fixed from the date of regular appointment in the time scale of pay in the Government Aided School taking into account her last drawn pay in the Government Aided School. In this regard, the petitioner has submitted her representation dated 07.02.2015 before the Additional Assistant Elementary Educational Officer, the 3rd respondent herein. But the same was rejected. Therefore, the petitioner has submitted an appeal dated 14.2.2015 before the District Elementary Educational Officer, the 2nd respondent

herein followed by a reminder dated 17.4.2017. Since the same has not been considered, the petitioner is before this Court with this Writ Petition.

4. Mr.C. Munusamy, learned Special Government Pleader takes notice for the respondents 1 to 3.

5. The Proof of acknowledgement given by the Office of the District Elementary Educational Officer, Tiruvallur, the 2nd respondent herein clearly shows that the petitioner's representation/appeal is pending. Therefore, her prayer for a direction to dispose of the appeal can be considered.

6. However, Mr.C.Munusamy, learned Special Government Pleader appearing for the respondents submitted that the petitioner has given only a representation instead of appeal to the 2nd respondent. Therefore, she would be directed to give a formal appeal.

7. I find no merit in the said submission of the learned Special Government appearing for the respondents. The reason is that the request of the petitioner is to re-fix her salary taking into account the last drawn salary received by her in the Aided School before her appointment in Government School. In a similar circumstance, in the case of one D.Narayanasamy, orders have been passed by the

Assistant Elementary Educational Officer, Vellore Rural by Proceedings dated 28.7.2011 fixing his salary taking into account the last drawn salary received by him in the Aided School before this appointment in Government School. Therefore, the 2nd respondent herein, namely, the District Elementary Educational Officer, Tiruvallur District, Tiruvallur is directed to consider the representation/appeal of the petitioner dated 14.2.2015 on merits and in accordance with law and also in the light of the order passed in the matter of D.Narayanasamy in the Proceedings of the Assistant Elementary Educational Officer, Vellore Rural in Na.Ka.No.594/A1/2011 dated 28.7.2011, within a period of eight weeks from the date of receipt of a copy of this Order.

8. The Writ Petition is disposed of accordingly. No costs.

19.02.2018

Index:Yes/No
Internet:Yes/No
tsi

To

1. The Director of Elementary Education,
College Road, Chennai-6.
2. The District Elementary Educational Officer,
Tiruvallur District, Tiruvallur.
3. The Additional Assistant Elementary Educational
Officer, Puzhal Panchayat Union,
Puzhal, Tiruvallur District.

**T.RAJA, J.
tsi**



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