

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.30584 of 2018

J.High Court Durai

... Petitioner

Vs.

1. The Secretary to Government,
Educational Department,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
(Secondary Education)
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Tuticorin - 3.
4. The District Educational Officer,
Tuticorin-3.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 27.09.2017 in the light of the order dated 30.04.2009 passed in W.A.No.210 of 2009 and G.O.Ms.No.10 (4D) School Education (D-2) Department dated 09.03.2012 made for granting pay protection as that of Middle School Headmaster's Scale of Pay and to pay all other monetary benefits within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Kamaraj

For Respondents : Mrs.P.Kavitha,
Government Advocate

ORDER

Mrs.P.Kavitha, learned Government Advocate (Education) takes notice for Respondents.

2. It is the case of the petitioner that he was appointed as Apprentice Teacher in the CMS Evangelical Middle School and thereafter, he was appointed as regular higher grade teacher, which was upgraded as Secondary Grade Teacher. He was promoted as Middle School Headmaster on 13.11.1983 and he was also given Selection Grade in the Middle School Headmaster scale of pay. Thereafter, the said school was upgraded as High School. Hence, he was absorbed as Graduate Teacher (B.T. Assistant) and his pay scale was fixed as that of the B.T. Assistant. However, he functioned as Headmaster In-charge as there was no Headmaster Post and he was given Special Grade in the Graduate Teacher's scale of pay. Though he was due to retire from service on 30.09.2005, he was allowed to continue in service till 31.05.2006.

3. It is the further case of the petitioner that when there was no High School Headmaster post, the question of automatic abolition of Middle School Headmaster post would not arise and therefore, pay protection as that of Middle School Headmaster ought to have been given. The petitioner further submits that this court, by an order dated 30.04.2009 in W.A.No.210 of 2009, allowed the case of the similarly placed persons and the Government also passed an order in G.O.Ms.No.10(4D) School Education (D-2) Department, dated 09.03.2012, granting the pay scale as that of the Middle School Headmaster to the persons, who were Headmasters in the Middle School and subsequently appointed as B.T. Assistant in the High School. Claiming so, the petitioner made a representation dated 27.09.2017 to the first respondent. As the said representation has not been considered, the present writ petition has been filed by the petitioner, seeking a direction to the respondents 1 and 2 to consider her representation dated 27.09.2017 in the light of the orders passed in W.A.No.210 of 2009 and G.O.Ms.No.10(4D) School Education (D-2) Department, dated 09.03.2012, seeking pay protection as that of Middle School Headmasters Scale of Pay and to pay all other monetary benefits.

4. The learned counsel appearing for the petitioner submitted that it would suffice if the representation of the petitioner dated 27.09.2017 is directed to be considered by the respondents within the stipulated time by this Court.

5. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner dated 27.09.2017 will be considered on merits and in accordance with law.

6. In view of the limited prayer sought for, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner

dated 27.09.2017 in the light of the order dated 30.04.2009 passed in W.A.No.210 of 2009 and G.O.Ms.No.10 (4D) School Education (D-2) Department dated 09.03.2012 and to pass thereon, on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Educational Department,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
(Secondary Education)
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Tuticorin - 3.
4. The District Educational Officer,
Tuticorin-3.

+lcc to Mr.R.Kamaraj, Advocate, S.R.No.87258
+lcc to the Government Pleader, S.R.No.80472

W.P.No.30584 of 2018

CS/11/02/2019