



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD) No. 742 of 2018

K.Vijayarani

.. Petitioner

Vs.

1. The District Elementary Educational Officer,
Thoothukudi District,
Thoothukudi.

2. The Additional Assistant Elementary
Educational Officer,
Kayathar Union,
Kayathar,
Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order in Na.Ka.No.1082/Aa1/2017, dated 06.11.2017 passed by the second respondent and quash the same as illegal and consequently direct the first and second respondents to re-fix petitioner's salary as on 30.06.2012, on the basis of the petitioner's representation dated 26.10.2017, as per the proceedings of the first respondent in Muu.Mu.No.1786/Aa1/2017, dated 25.05.2017.

For petitioner	: Mr.P.M.Vishnuvarthanan
For respondents	: Mr.M.Jeyakumar Additional Government Pleader

O R D E R

Mr.M.Jeyakumar, learned Additional Government Pleader takes notice for the respondents.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Secondary Teacher on 08.08.1997 in Pudukottai Panchayat Primary School. On her request, she got transferred to Kayathar Union on 04.07.1998. The petitioner is presently working as a Headmaster in Kayathar Union. The grievance of the petitioner is that one Shanthi, who was appointed as Secondary Grade Teacher in Kayathar Union on 11.01.1999 is drawing more pay. Citing this pay anomaly the petitioner submitted a representation to the District Elementary Educational Officer on 05.07.2017. The petitioner has also enclosed the comparative chart. It is obvious therefrom that the said Shanthi was appointed in



Kayathar Union later in point of time.

4. The learned Counsel appearing for the petitioner drew the attention of this Court to the proceedings dated 25.05.2017, issued by the District Elementary Educational Officer, Tuticorin whereby, a similar pay anomaly in the case of one Mrs.Rani was set right. The petitioner's case is identical. However, the first respondent declined to accept the request of the petitioner.

5. The first respondent has proceeded on the footing that since the petitioner got transferred from Pudukottai to Kayathar Union, it is not possible to set right the pay anomaly. The reason assigned by the first respondent in the impugned order is un-sustainable in law. Even though the writ petitioner came to Kayathar Union by way of transfer and has to be placed at the bottom of the seniority list, the fact remains that the Shanthi got appointment as Secondary Grade Teacher at Kayatharu Union only later in point of time. Therefore, by no stretch of imagination the said Shanthi could have stolen a march over the petitioner. The order impugned in this writ petition is quashed. The respondents are directed to set right the pay anomaly and step-up the pay of the petitioner on par with said Shanthi. Such an order shall be issued by the respondents within a period of eight weeks.

6.This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Thoothukudi District,
Thoothukudi.

2. The Additional Assistant Elementary
Educational Officer,
Kayathar Union,
Kayathar,
Thoothukudi District.

+1cc to Mr. P.M.Vishnuvarthanan, Advocate in SR. No.46827

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.47462

kmi

MK/SV MMS/SAR-1/15.02.2018/2P/5C