

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.6781 of 2009

S.Kasthuri

... Petitioner

Vs

1.Director of Elementary Education,
Chennai-6.

2.District Elementary Educational Officer,
Cuddalore,
Cuddalore District.

3.Assistant Elementary Educational Officer,
Panruti, Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent in his proceedings Na.Ka.No.27812/ L.3/2008 dated 15.12.2008 and quash the same and direct the respondents to fix the scale of pay of the petitioner at Rs.2,000/- giving notional promotion as Headmistress of Elementary School from 01.06.1988 the date on which her junior came to be promoted and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.K.Karthikeyan, GA

ORDER

It is the case of the petitioner that she was initially appointed as Secondary Grade Headmistress of Elementary School on 08.06.1966 and continued up to 30.09.1973 and thereafter, posted as Secondary Grade Assistant on 01.10.1973 till 01.06.1988. Later, she was promoted on 02.05.1991 as Headmistress of Elementary School and was working there continuously. Since the post of Headmaster of Elementary School and the Secondary Grade Assistant was one and the same, the post

of Headmaster of Elementary School was only an extra allowance carrying post, therefore, the juniors were allowed to hold the post of Headmaster of Elementary School and the seniors were also allowed to hold the post of Secondary Grade Assistant. After 01.06.1988, the post of Headmaster of Elementary School became promotional post, whereas, the post of Secondary Grade Assistant became feeder category to the post of Headmaster of Elementary School. Subsequently, the senior teachers claimed the post of Headmaster of Elementary School. Ultimately, the Government also accepted to their request by giving promotion to senior teachers in the post of Secondary Grade teacher. Now, the crux of the issue is when the persons appointed as Headmaster of Elementary School were allowed to get the scale of pay at Rs.2,000/- being the special grade of Headmaster of Elementary School post as on 01.06.1988, the petitioner, who was appointed as Headmaster of Elementary School on 08.06.1966 and continued up to 30.09.1973, was denied by the 1st respondent by the impugned order dated 15.12.2008. Challenging the same, the present Writ Petition has been filed.

2. Heard the parties on both sides and perused the materials placed on record.

3. The learned counsel appearing for the petitioner drawn the attention of this Court to paragraph No.2 of the counter affidavit filed by the respondents and submitted that the respondents also clearly admitted the case of the petitioner that she was initially appointed as Primary School Headmistress on 03.06.1966 and on transfer, posted as Primary School Headmistress from 02.05.1991 in Panruti Municipality. When the respondents in their counter affidavit have admitted clearly and categorically that the petitioner was appointed as Primary School Headmistress on 03.06.1966, the impugned order passed by the 1st respondent is liable to be set aside.

4. The learned Government Advocate fairly submitted that when the similar issue came before this Court raising a question whether a Teacher, who served as Headmaster of an Elementary School prior to 01.06.1988, is entitled to get the scale of pay at Rs.2,000/-, being the special grade of Headmaster of Elementary School post as on 01.06.1988, this Court accepting the same, allowed the Writ Petition and on further appeal preferred by the respondents/Department in W.A.Nos.125 and 697 of 2016, by judgment dated 26.06.2018, confirmed the order of the learned single Judge, by dismissing the Writ Appeal.

5. Therefore, in view of the settled legal position that the Secondary Grade Teachers appointed as Headmaster in the Primary School/Elementary School prior to 01.06.1988 and any Teacher, who has rendered 20 years of service as on 01.06.1988 and served

as Headmaster, are entitled to get the benefit of scale of pay at Rs.2,000/-, the petitioner also entitle for the same. In the present case, the respondent has admitted the case of the petitioner in paragraph No.2 of their counter and the facts submitted by the petitioner, which are also not in dispute, the writ petition deserves to be allowed.

6. Accordingly, the Writ Petition is allowed and the respondents are directed to fix the scale of pay of the petitioner at Rs.2,000/- giving notional promotion as Headmistress of Elementary School from 01.06.1988 and confer all consequential benefits. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya

To

1. Director of Elementary Education,
Chennai-6.

2. District Elementary Educational Officer,
Cuddalore,
Cuddalore District.

3. Assistant Elementary Educational Officer,
Panruti, Cuddalore District.

+1cc to Government Pleader sr.no.11804

+2cc to M/s.C.S.Associates, sr.no.11741

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