

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.22667 of 2019

M.Selvaraju

.. Petitioner

Vs..

- 1.The Director of School Education,
College Road,
Chennai - 600 006.
- 2.The Chief Educational Officer,
Perambalur,
Perambalur District.
- 3.The District Educational Officer,
Veppur (E) Perali,
Perambalur District.
- 4.The Head Master,
Government Higher Secondary School,
Keezha Perambalur,
Kunnam Taluk,
Perambalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the claims of the petitioner and pass orders on the representation of the petitioner dated 07.12.2018 in regard to fix the petitioner's pay under Rule 22-B of the Fundamental Rules with effect from the date or joining in the post of Headmaster of High School and grant arrears of salary.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents : Ms.P.Kavitha,
Government Advocate

ORDER

The writ petition has been filed seeking a writ of mandamus, to direct the respondent to consider the claims of the petitioner and pass orders on the representation of the petitioner dated 07.12.2018 in regard to fixing the petitioner's pay under Rule 22-B of the Fundamental Rules with effect from the date of joining in the post of Headmaster of High School and grant arrears of salary.

2. The case of the petitioner is that he was initially selected and appointed as a B.T.Assistant in the year 1984 and subsequently promoted as P.G.Teacher in the year 1997 as School Headmaster. The first respondent in his Pro.No.4656/C1/2007, dated 07.09.2007 had certified that the petitioner was fully eligible for pay fixation under Rule 22-B of Fundamental Rules on joining duty as Headmaster. After joining duty in the promoted post of Headmaster of High School on 08.09.2007 he has submitted his option to fix his pay under Rule 22-B of the Fundamental Rules, from 08.09.2007 to the second respondent. The petitioner's request was turned down by the second respondent stating that the scale of pay of the P.G.Teacher and Headmaster are identical and it is only a transfer of post and it is not a promotion post and hence the question of fixation does not arise, vide A.Thi.Mu.No.1923/A3/2014, dated 28.04.2014. Therefore, the petitioner made a representation to the first respondent dated 07.12.2018, but till date his representation has not been considered by the first respondent. Aggrieved by the same, the petitioner has filed the above writ petition.

3. The learned counsel for the petitioner would submit that it would be suffice to issue a direction to the first respondent to dispose of the representation in accordance with law.

4. Without expressing any opinion, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 07.12.2018 and dispose of the same in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Perambalur,
Perambalur District.

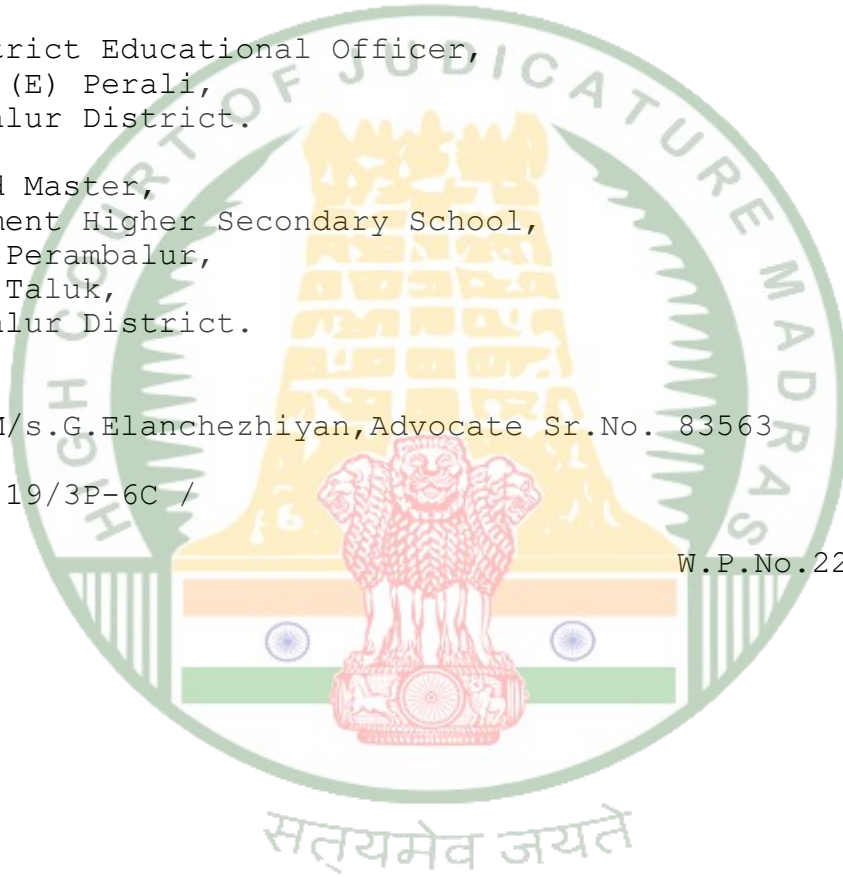
3.The District Educational Officer,
Veppur (E) Perali,
Perambalur District.

4.The Head Master,
Government Higher Secondary School,
Keezha Perambalur,
Kunnam Taluk,
Perambalur District.

+1 cc to M/s.G.Elanchezhian, Advocate Sr.No. 83563

AKM/14.11.19/3P-6C /

W.P.No.22667 of 2019



WEB COPY