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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.1058, 1059,1060 and 1062 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015 in all W.Ps

W.P(MD)No.1058 of 2015

Y.Anantharaj

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2.The Director of Elementary Education,
College Road,
Chennai - 600 006.

3.The District Elementary Educational Officer,
Ramnad, Ramnad District - 623 501.

4.The Additional Assistant Elementary
Educational Officer, Kadaladi,
Ramnad District - 623 703.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order issued by the fourth respondent - Additional Assistant Elementary Educational Officer in Na.Ka. No. 0472/A2/2012 dated 05.12.2014 quash the same and further direct the respondents herein to continue to pay the petitioner the same re-fixed salary which the petitioner has been drawing since 01.07.2012 with all attendant benefits.

W.P(MD)No.1059 of 2015

J.B.John Bovas

... Petitioner



vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2.The Director of Elementary Education,
College Road,
Chennai - 600 006.

3.The District Elementary Educational Officer,
Ramnad, Ramnad District - 623 501.

4.The Additional Assistant Elementary
Educational Officer, Kadaladi,
Ramnad District - 623 703.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order issued by the fourth respondent Additional Assistant Elementary Educational Officer in Na.Ka.No.0473/A2/ 2012 dated 05.12.2014 quash the same and further direct the respondents herein to continue to pay the petitioner the same re-fixed salary which the petitioner has been drawing since 01.07.2012 with all attendant benefits.

W.P(MD)No.1060 of 2015

M.Nalla Thambi

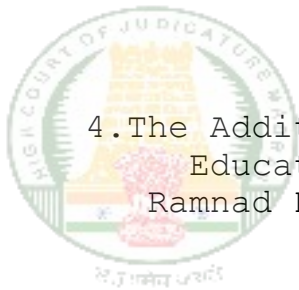
... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2.The Director of Elementary Education,
College Road,
Chennai - 600 006.

3.The District Elementary Educational Officer,
Ramnad, Ramnad District - 623 501.



4.The Additional Assistant Elementary
Educational Officer, Kadaladi,
Ramnad District - 623 703.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order issued by the fourth respondent Additional Assistant Elementary Educational Officer in Na.Ka.No.0471/A2/ 2012 dated 05.12.2014 quash the same and further direct the respondents herein to continue to pay the petitioner the same re-fixed salary which the petitioner has been drawing since 01.07.2012 with all attendant benefits.

W.P(MD)No.1062 of 2015

S.Kesava Veeramuni

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2.The Director of Elementary Education,
College Road,
Chennai - 600 006.

3.The District Elementary Educational Officer,
Ramnad, Ramnad District - 623 501.

4.The Additional Assistant Elementary
Educational Officer, Kadaladi,
Ramnad District - 623 703.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order issued by the fourth respondent Additional Assistant Elementary Educational Officer in Na.Ka. No. 0470/A2/2012 dated 05.12.2014 quash the same and further direct the respondents herein to continue to pay the petitioner the same re-fixed salary which the petitioner has been drawing since 01.07.2012 with all attendant benefits.



(In all W.Ps)
For Petitioner

:Mr.T.Cibi Chakraborty

For Respondents

: Mrs.S.Srimathy
Special Government Pleader

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COMMON ORDER

All the Writ Petitions are filed seeking to quash the impugned order issued by the fourth respondent in Na.Ka. No. 0470/A2/2012 to 0473/A2/2012 dated 05.12.2014 and further direct the respondents herein to continue to pay the petitioners the same re-fixed salary which they have been drawing since 01.07.2012, with all attendant benefits.

2. Heard the learned Counsel for the petitioners and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The case of the petitioners is that initially, they were appointed as Secondary Grade Teachers and subsequently, they were promoted as Middle School Headmasters. Since their junior got more pay, they made representations to the fourth respondent requesting him to set right the pay anomaly and re-fix their pay on par with their junior. The fourth respondent set right the anomaly and re-fixed their salary by order dated 15.11.2012. Subsequently, the fourth respondent, cancelling his earlier order dated 15.11.2012, passed the impugned order by stating that he is not the competent authority and the re-fixation made by him was without authority. Against the said impugned order, the present Writ Petitions are filed.

4. The learned Counsel appearing for the petitioners submitted that the impugned order came to be passed without receiving any objections from the petitioners and without any opportunity of hearing to them. As such, the same is liable to be set aside, as it is erroneous, illegal and in violation of the principles of natural justice.

5. The learned Special Government Pleader appearing for the respondents fairly submitted that the matter may be remitted back to the fourth respondent for re-consideration, after giving reasonable opportunity to the petitioners.

6. Considering the fact that the impugned order was passed without complying with the principles of natural justice and also having regard to the submissions made the learned Counsel on either side, the impugned order passed by the fourth respondent dated 05.12.2014 is set aside and the matters are remitted back to the fourth respondent for reconsideration. The fourth respondent shall



grant sufficient opportunity to the petitioners for filing their objections and thereafter, consider each and every aspects of the objections and pass appropriate orders, on merits and in accordance with law, that too, after providing an opportunity of personal hearing to the petitioners.

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7. All the Writ Petitions are disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD II)

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Sub Assistant Registrar (CS)

To

1. The Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Ramnad, Ramnad District - 623 501.
4. The Additional Assistant Elementary
Educational Officer, Kadaladi,
Ramnad District - 623 703.

+1cc to M/S. ISAAC CHAMBERS, Advocate, SR.No.58597
+1cc to M/s. Special Government Pleader, SR.No. 58609

W.P (MD) Nos.1058, 1059, 1060 and
1062 of 2015

and
M.P. (MD) Nos.1 & 2 of 2015 in all W.Ps

02.04.2019