



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WEB COPY

W.P. (MD) No. 713 of 2016

A. Gorijan

.. Petitioner

Vs.

1. The Accountant General,
361, Anna Salai,
Chennai - 18.

2. The Corporation Education Officer,
Madurai Corporation,
Madurai.

3. The Commissioner,
Madurai Corporation,
Madurai.

.. Respondents

Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to refix the scale of pay of the petitioner in the scale of pay Secondary Grade Teacher as on 05.09.1986 along with selection grade and special grade in secondary scale of pay and consequently, revise the pension of the petitioner on that basis.

For Petitioner : Mr. M. Gnanagurunathan

For R1 : Mr. P. Gunasekaran

For R2 & R3 : Mr. R. Prabhu Ramachandran

ORDER

This Writ Petition has been filed seeking a direction to the respondents to refix the scale of pay of the petitioner, in the scale of pay of Secondary Grade Teacher as on 05.09.1986 along with selection grade and special grade in secondary scale of pay and consequently, revise the pension of the petitioner on that basis.

2. The learned counsel appearing for the petitioner has relied upon the order of the Division Bench of this Court in **Government of Tamil Nadu and others Vs. S. Velusamy** [W.A. No. 1467 of 2015, dated 30.09.2015] and submitted that this Court has confirmed the order of the learned Single Judge, by directing the Government to consider the petitioner's request having regard to the relaxation



granted to the other persons and keeping in mind the length of service put in by the petitioner therein and therefore, the learned counsel prays that a similar order may be passed in this Writ Petition.

3. The learned Standing Counsel appearing for the respondents submitted that the petitioner has not impleaded the Government as a party in the present Writ Petition. The State Government is the competent authority to consider the petitioner's request for relaxation of the educational qualification in the light of the earlier order passed by this Court.

4. Considering the above said submission, as rightly submitted by the learned Standing Counsel appearing for the respondents, the petitioner has not made any representation to the State Government seeking relaxation of the educational qualification and there is no merit in the Writ Petition. However, this order will not stand in the way of the petitioner to make fresh representation to the Government, if he is so advised.

5. This Writ Petition is dismissed with the above liberty. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Accountant General,
361, Anna Salai,
Chennai - 18.
2. The Corporation Education Officer,
Madurai Corporation,
Madurai.
3. The Commissioner,
Madurai Corporation,
Madurai.

+1CC TO M/S.M.GNANAGURUNATHAN, ADVOCATE, SR.NO.69581
+1CC TO M/S.R.PRABHU RAMACHANDRAN, ADVOCATE, SR.NO.69415
+1CC TO M/S.P.GUNASEKARAN, ADVOCATE, SR.NO.70159