



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD)No.13560 of 2014

V.Seeniammal

... Petitioner

-Vs-

1.The Director of School Education,
College Road, Chennai -6.

2.The District Educational Officer,
Tirunelveli District, Tirunelveli.

3.Hindu Nadar Uravin Murai Committee
Higher Secondary School,
Arianayagipuram PO,
Veerasigamani Via,
Sankarankovil Taluk,
Tirunelveli District.
(Under direct payment), represented by
District Educational Officer,
Tirunelveli District, Tirunelveli.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the second respondent in his proceedings O.Mu.No.2485/A5/2014, dated 19.06.2014 and quash the same and to direct to the respondent to pay additional pay for holding full additional charge of Headmaster of the third respondent School from 25.02.2009 and confer all the consequential benefits.

For Petitioner : Mr.V.Panneer Selvam
for M/s.C.S.Associates
For R1 and R2 : Mrs.S.Srimathy
Special Government Pleader
For R3 :Mr.D.Nallathambi

ORDER

The order impugned, dated 19.06.2014 states that the writ petitioner was performing the duties and responsibilities of the post of School Headmaster as in-charge and therefore, is he is not entitled for additional allowance for holding the post of Head



Master (In-charge), as there is no Rules are available to that effect.

2.This Court is of the considered opinion that the in-charge position is granted during the interregnum period, where, the administration is unable to fillup the post through regular appointment/promotion. The Senior most person of the establishment is posted as in-charge officer/Headmaster in the School and such a position would not confer any right on the candidate to seek any additional or further benefits in the absence of any Government Order to that effect.

3.In the event of any specific Government Order, granting any additional allowances for the in-charge position, the writ petitioner cannot claim any such benefit over and above the benefit already granted for the post, in which, he is regularly appointed and working. The writ petitioner is not having any grievance in respect of benefit already granted for the post, in which, he was regularly working and his grievance is that he was allowed to continue as Headmaster (in-charge) and for that he must be paid with the additional allowances.

4.In this regard, if the writ petitioner is able to produce any Government Order, pursuant to the General Rules, then the case of the writ petitioner is to be considered. The General Rules may not have direct implication in this case, as the additional allowances or concessions or Special Schemes are implemented by the Government. Thus, in the event of absence of specific Government Order for granting additional allowances to the in-charge position, the authorities cannot consider the case of the writ petitioner.

5.This being the factum, the writ petitioner is at liberty to produce any Government Order if any available and in the event of submitting any such Government Order, the case of the writ petitioner shall be considered strictly in accordance with terms and conditions of the Government Order or Rules in force. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

cmr

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Director of School Education,
College Road, Chennai -6.

2.The District Educational Officer,
Tirunelveli District, Tirunelveli.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-81899[F] dated
16/08/2019)

+1 CC to M/s.SPL GP (SR-82008[F] dated 16/08/2019)

+1 CC to M/s.V.PANEER SELVAM, Advocate (SR-82087[F] dated
16/08/2019)

W.P. (MD) No.13560 of 2014
14.08.2019

KK/SAR/04.09.2019/3P-6C/