



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

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

W.P. (MD)No.8817 of 2014

and

M.P(MD)No.1 of 2014

and

W.M.P (MD)No.3795 of 2018

Sudandira Devi

... Petitioner

Vs.

1.The Joint Director of School Education,
(Establishment),
Chennai-600 006.

2.The Chief Educational Officer,
Madurai.

3.The District Elementary Educational Officer,
Madurai.

4.The Assistant Elementary Educational Officer,
Tiruparankundram,
Madurai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent dated 3.5.2014 in proceedings Na.Ka.No.14577/C5/E4/2014 quash the same as the same is contrary to G.O.Ms.No.400, 1072 dated 7/4/1986.31/10/1986 and consequentially direct the first respondent to re-fix the petitioner scale of pay taking into consideration the service rendered by petitioner at Rajam Vidhyalaya Middle School, Madurai.

For Petitioner : Mr.R.G.Shankar Ganesh,
For Respondents : Mrs.S.Srimathy,
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the order of rejection dated 3.5.2014 and to direct the first respondent to re-fix the scale of pay taking into consideration the services rendered by the writ petitioner at Rajam Vidhyalaya Middle School, Madurai.



2.The writ petitioner after completing his educational qualification registered his name in the District Employment Exchange. The writ petitioner was initially appointed as Tailoring Teacher at Rajam Vidhyalaya Middle School, Madurai. Even the proceedings issued by the District Educational Officer, Madurai shows that the writ petitioner was appointed as consolidated pay salary employee. After the regular selection for appointment to the post of Tailoring Teacher, the writ petitioner resigned the job from the Rajam Vidhyalaya Middle School, Madurai and joined as a fresh entrant into government service.

3. In respect of the persons employed as consolidated salary basis and resigned their job and thereafter, taken up the regular employment into government service and the scale of pay and other benefits are to be fixed only with reference to the date of initial appointment in the sanctioned post in the regular time scale of pay. The consolidated pay salary employment cannot be counted for the purpose of granting or fixing the scale of pay nor such period of service can be counted for the purpose of revision of scale of pay.

4. This being the principles to be followed, the writ petitioner's scale of pay was fixed based on his date of appointment in the sanctioned post in the regular time scale of pay. The facts in this regard are enumerated in para-8 of the counter, which is extracted hereunder:-

"8.It is submitted that the G.O.Ms.No.400 does not relate to her. She was neither a Government servant nor she was working in Government School before she joined in the government school. The concept of discharge from duties and reappointment is available in Government service as there will be many retrenchments and reappointments. In the instant case, the petitioner was already working in an aided school the service rules of which quite different and has no link with the government service. The petitioner cannot claim such a treatment which is available to in the incumbents in Government Service. Similarly G.O.Ms.No.1072 dated 31.10.1986 is applicable to the persons already in Government service discharged and reappointed and not those who were working in aided school and discharged, for accepting in Government service."

5.This Court is of the considered opinion that the very claim of the writ petitioner to count the temporary service rendered by him in Private school on consolidated pay scale, fixation of scale cannot be granted and there is no infirmity in respect of the order impugned passed.



6. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

Am

To

- 1.The Joint Director of School Education,
(Establishment),
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- 3.The District Elementary Educational Officer,
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+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.78188

W.P. (MD)No.8817 of 2014
26.07.2019

AVS (CO)

TR (06.08.2019) 3P 6C