



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.25128 of 2019

WEB COPY

J.Arockia Gracey

... Petitioner

-Vs-

1.State of Tamil Nadu

Represented by its Principal Secretary

Department of School Education

Fort.St.George

Chennai -9

2.The Director of School Education

Office of the Director of School Education

DPI Campus

Chennai-6

3.The District Educational Officer

Office of the District Educational Officer

Melur, Madurai

4.The Block Educational Officer

Office of the Block Educational Officer

Madurai West

Madurai

5.The Correspondent

R.C.Middle School

K.Pudur, Madurai -7

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to re-fix the scale of pay of the petitioner in the post of B.T. Assistant with all consequential benefits such as differential pay, allowance and other attendant benefits including pensionary benefits with effect from 11.02.2003 in the light of the Judgment of this Court in W.P(MD).No.15556 of 2012 dated 07.09.2018 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapthi Roy

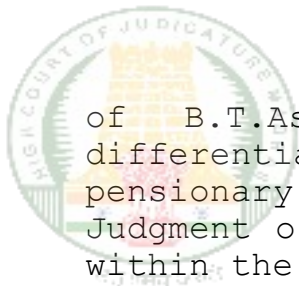
For R1 to R4 : Mr.M.Karuppasamy

Government Advocate

ORDER

This petition has been filed for a direction to the respondents to re-fix the scale of pay of the petitioner in the post

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of B.T.Assistant with all consequential benefits such as differential pay, allowance and other attendant benefits including pensionary benefits with effect from 11.02.2003 in the light of the Judgment of this Court in W.P(MD).No.15556 of 2012 dated 07.09.2018 within the time period stipulated by this Court.

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2.The petitioner was appointed as Middle Grade Graduate Teacher at R.C.St.Cecilia's Middle School, Manamadurai, Sivagangai District on 11.02.2003, due to the transfer of one V.Sagaya Mary. The appointment of the petitioner was duly approved by the District Elementary Educational Officer, Sivagangai, vide his proceedings in Rc.No.3002/B4/2004 dated 07.06.2004. Though the petitioner was appointed in the sanctioned vacancy and entitled for regular scale of pay, she was not granted regular salary from 01.06.2006. Hence, the petitioner gave representation to the respondents on 01.11.2019, requesting to re-fix the scale of pay in the post of B.T.Assistant in view of her initial appointment dated 11.02.2003, with all consequential benefits in accordance with G.O.Ms.No.79(School Education) Department, dated 14.06.2002. But, the respondents have not taken any action so far. Hence, the petitioner has come up with the present Writ petition.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4.

4.Though the learned counsel appearing for the petitioner has raised various grounds, he submitted that it would suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 01.11.2019, on merits.

5.Considering the submission of the learned counsel appearing for the petitioner, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner, dated 01.11.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

msa

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To

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Department of School Education
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Melur, Madurai

4.The Block Educational Officer
Office of the Block Educational Officer
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Madurai

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-102231[F] dated
28/11/2019)

+1 CC to SPL GP (SR-102402[F] dated 28/11/2019)

W.P. (MD) No.25128 of 2019

27.11.2019

MK (20.12.2019) 3P 7C