

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1378 of 2020
and W.M.P No.1628 of 2020

V.P.Kalyani

Petitioner

vs.

1. The Government of Tamilnadu,
rep. by its Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Joint Director of School Education,
(Secondary Education), College Road,
Nungambakkam, Chennai - 600 006.
3. The Chief Educational Officer,
Salem, Salem District.
4. The District Educational Officer,
Salem, Salem District.
5. The District Treasury Officer,
Salem, Salem District.
6. The Secretary cum Correspondent,
National High School,
Katchipalayam, Salem - 636 015.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to extent the benefit of G.O.(4D) No.10 School Education (2D) Department dated 09.03.2012 with regard to grant of scale of pay of the middle school Headmaster and pay the same benefits to the petitioner in the post of B.T. Assistant w.e.f.01.11.2017.

For Petitioner : Mr.V.Thirupathi

For Respondents: Mrs.V.Annalakshmi
Government Advocate for R1 to R5

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to extend the benefit of G.O.(4D)No.10, School Education (2D) Department, dated 09.03.2012 to the petitioner and to grant him with the scale of pay of a Middle School Headmaster and to pay all the attendant benefits.

2.The case of the petitioner is that he was appointed as Secondary Grade Teacher in the year 1988 in the 6th respondent School. The petitioner was promoted as Middle School Headmaster on 26.02.1993 in the same School. In the year 1997, the 6th respondent School was upgraded as a High School. After the upgradation, the petitioner was absorbed into the High School as B.T. Assistant w.e.f. 01.05.1999. Thereafter, an order was also passed by the 2nd respondent by his proceedings dated 18.12.1999 refixing the scale of pay of the petitioner in the post of B.T. Assistant. The grievance of the petitioner is that the scale of pay which was fixed was less than what he was receiving in the post of Middle School Headmaster.

3.There were similarly placed persons like the petitioner and they had approached this Court. Pursuant to the orders passed by this Court, a Government order was passed on 09.03.2012 which gave pay protection and consequently directed to make the scale of pay equal to what those persons received in the post of Middle School Headmaster. According to the petitioner, he is also entitled to get the pay of the Middle School Headmaster pursuant to the above Government order.

4.The 4th respondent by his proceedings dated 31.01.2018 returned the proposals that were sent by the School on the ground that the petitioner is not entitled for the scale of pay of the Middle School Headmaster. The petitioner filed a writ petition before this Court in W.P.No.13154 of 2018 challenging the said proceedings. This Court, on 24.09.2018 passed the following order:

Therefore on hearing the counsel for the parties as aforesaid this Court dispose of this writ petition with a direction to the third respondent to honour the bill of the petitioner soon after the same is submitted with the clarification sought for and the fourth respondent is directed to re-submit the bill within a period of 10 days of receipt of the copy of this order and respondents 1 and 2 shall take steps in this regard for early submission of the bill of the petitioner with such clarification.

5.Pursuant to the orders passed by this Court, the 6th respondent School again resubmitted the entire papers to the 3rd respondent in order to get necessary orders from the 1st respondent with regard to grant of scale of pay. The 3rd

respondent sought for certain clarification and it is claimed that those clarifications were also given by the 6th respondent School. The grievance of the petitioner is that there is no progress thereafter and he also made a representation to the concerned authorities in this regard. Therefore, left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.V.Thirupathi, learned counsel appearing on behalf of the petitioner and Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents 1 to 5.

7. Taking into consideration the facts and circumstances of the case and also of the fact that, this Court had already considered the claim made by the petitioner in W.P.No.13154 of 2018 and had issued necessary directions and the papers have already been submitted to the 3rd respondent by the 6th respondent School, there shall be a direction to the 3rd respondent to immediately forward the entire papers to the 1st respondent in order to enable the 1st respondent to pass necessary orders in line with G.O.(4D)No.10, School Education (2D) Department, dated 09.03.2012. The 1st respondent is directed to pass necessary orders within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation through the 6th respondent School to the 3rd respondent along with a copy of this order and a copy shall also be marked to the 1st respondent.

8. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Joint Director of School Education,
(Secondary Education), College Road,
Nungambakkam, Chennai - 600 006.
3. The Chief Educational Officer,
Salem, Salem District.

4. The District Educational Officer,
Salem, Salem District.

5. The District Treasury Officer,
Salem, Salem District.

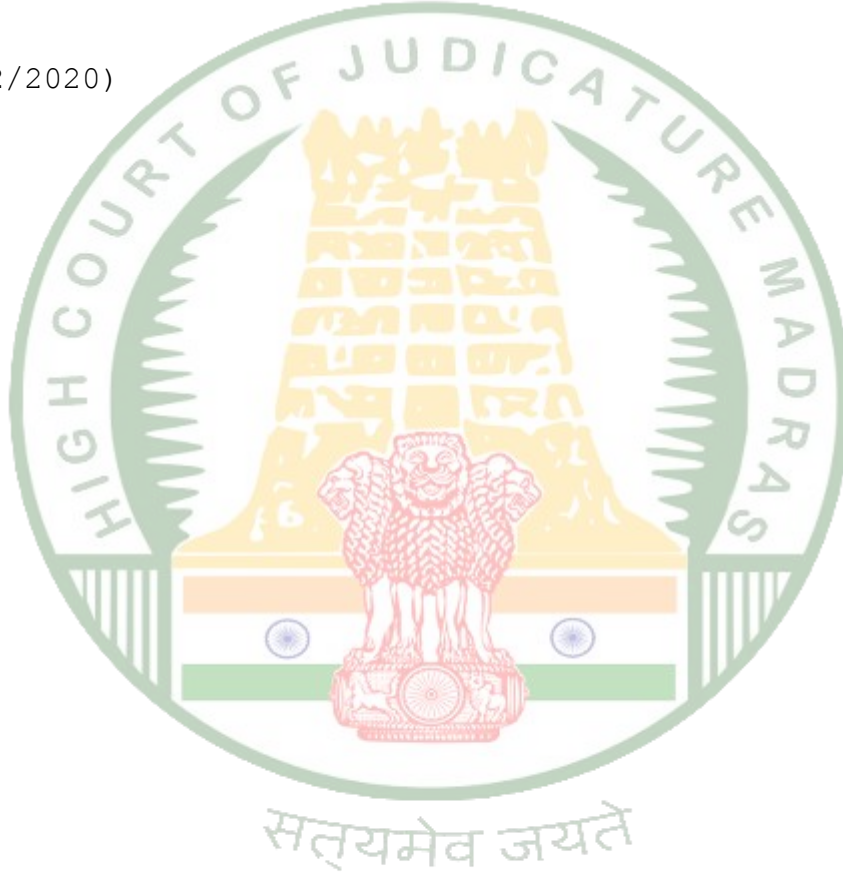
+1 cc to Government Pleader Sr.No.6169

+1cc to Mr.V.Thirupathi , Advocate SR.No. 5506

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VP

A.SK(25/02/2020)



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