

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 30.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.2208 of 2020

S.Kuzhali

...Petitioner

Vs

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai - 600006.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600006.
- 3.The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.
- 4.The District Educational Officer,
Thiruvarur Educational District,
Thiruvarur.
- 5.The Block Educational Officer,
Mannargudi Block,
Thiruvarur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to pass orders for revision of scale of pay in the post of Secondary Grade Teacher in Elementary Education Service on 17.12.2012 with pay protection based on the Selection Grade scale of pay reached by the petitioner in the Government Aided Post as per the services rendered from 29.11.2001 to 17.12.2012 will all consequential and other attendant benefits including payment of arrears of salary along with interest, by considering the representation submitted by the petitioner dated 18.01.2014, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.Suresh Kumar
Government Advocate

O R D E R

This writ petition has been filed for the issue of a writ of mandamus, directing the respondents to revise the scale of pay of the petitioner and to settle all the attendant benefits, by considering the representation made by the petitioner on 18.01.2014.

2.The case of the petitioner is that she was initially appointed as a Secondary Grade Teacher on 29.11.2001 in a Government Aided School. After the completion of 10 years, she was sanctioned with Selection Grade in the post of Secondary Grade Teacher in the year 2011. Thereafter, the petitioner participated in the selection to the post of Secondary Grade Teacher in Elementary Education in the selection that was conducted by the Teachers Recruitment Board. The petitioner was selected as a Secondary Grade Teacher and she was posted in the Panchayat Union Middle School on 17.12.2012. This school was subsequently upgraded as a High School and the petitioner is presently working as a B.T.Assistant (English).

3.According to the petitioner, she is entitled for pay protection on appointment in the post of Secondary Grade Teacher and her services rendered in the Government Aided School from 29.11.2001 to 17.12.2012 will be considered. The petitioner therefore made a representation to the respondents seeking to provide pay protection, by continuing to pay the same pay scale that was already availed by her in the Government Aided Post. The representation was sent by the petitioner on 18.01.2014 and till date, the same has not been considered by the respondents. The petitioner also gave another representation through proper channel on 12.06.2016. This also did not have any response. Therefore, left with no other option, the present writ petition has been filed before this Court.

4.It is also brought to the notice of this Court that persons who are similarly placed were given such a relief and in order to substantiate the same, the proceedings dated 28.07.2011 and 16.04.2013 were placed before this Court.

5.Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.G.Suresh Kumar, learned Government Advocate appearing for the respondents.

6.Taking into consideration the facts and circumstances of the case and also the fact that the representations made by the petitioner are pending before the 1st and 2nd respondents for a very long time, there shall be a direction to the 1st and 2nd respondents to consider the representations made by the petitioner on 18.01.2014 and 12.06.2016 and pass appropriate orders in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order. The petitioner is

directed to make a fresh representation to the 1st and 2nd respondents along with a copy of the representations dated 18.01.2014 and 12.06.2016 and a copy of this order.

7.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

hvk

To

- 1.The Director of School Education,
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Thiruvarur.
- 5.The Block Educational Officer,
Mannargudi Block,
Thiruvarur District.

+1cc to Mr.G.Sankaran , Advocate SR.No. 7818
+1 cc to Government Pleader Sr.No. 7679

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A.SK(04/03/2020)