



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.16652 of 2015 and  
W.M.P.Nos.1 of 2015 and 26722 of 2018

A. Harikrishnan  
..Petitioner

Vs

- 1.The Secretary to Government of Tamil Nadu,  
School Education Department,  
Fort St. George, Chennai - 600 009.
  2. The Director of Elementary Educational Officer,  
DPI Campus, College Road, Chennai.
  - 3.The District Elementary Educational Officer,  
Thiruvannamalai, Thiruvannamalai Distirct.
  - 4.The Assistant Elementary Educational Officer,  
Arni, Thiruvannamalai 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 refix the seniority list and to give monetary benefits by treating the petitioner service from 22.12.2011 to 03.11.2014 as Graduate Teacher (B.T. Assistant).

For Petitioner : Mr.P.Murali  
For Respondents : Mrs.P.Kavitha,  
Government Advocate

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## ORDER

This writ petition has been filed by the petitioner seeking for a direction to the respondents to re-fix the seniority list and to give monetary benefits by treating the petitioner service from 22.12.2011 to 03.11.2014 as Graduate Teacher (B.T. Assistant).

2. According to the writ petitioner, on 21.12.1999, he was initially appointed as Secondary Grade Teacher in the Middle School of Ramanathapuram, Polur Block, Thiruvannamalai District. Thereafter, he was transferred to the Government Middle School, Panaiyur, Thiruvannamalai District. On 08.01.2007, he was promoted as Graduate Teacher (B.T. Assistant) to the Government Middle School, Adaiyapulam, Arni Block, Thiruvannamalai District. Again, on 12.03.2007, he was transferred to Government Middle School, Panaiyur, Arni Block. On 23.11.2001, he was de-promoted as Secondary Grade Teacher without any reasons and transferred to Government Primary School, Randam. Further, the respondents have discriminated him by not granting pay protection to him as that of Graduate Teacher scale of pay even though similarly placed persons were granted pay protection. Hence, he made several representations to the respondents requesting them to give pay protection and again he was promoted him as Graduate Teacher (B.T. Assistant), but the respondents have not considered the same. Again on 08.11.2014, he was promoted as Graduate Teacher and transferred to Government Middle School, Ondikudisai, Arni Block. Meanwhile, his juniors were promoted as Graduate Teacher and now some of his juniors working as Headmaster cadre. On 01.01.2011, as per the seniority list, the petitioner was in 12<sup>th</sup> place, now on 01.01.2015 as per the seniority list he is in 48<sup>th</sup> place, all his juniors were in the top of the list. Again, on 10.01.2015, he made representation to the respondents requesting them to treat his service from 22.12.2011 to 03.11.2014 as Graduate Teacher (B.T. Assistant) give pay protection to the said period and publish new seniority list, but the respondents have not considered the same till now. Hence, the petitioner has come forward with the present writ petition.

3. No counter affidavit has been filed by the respondents.

4. Heard both sides and perused the materials available on record.

5. Without going into the merits of the case, this Court directs the third respondent to consider the petitioner's representations dated 26.11.2011 and 10.01.2015 and pass



appropriate orders on merits and in accordance with law as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner shall furnish a copy of the said representation along with order copy addressed to the respondents.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

s/d-  
Assistant Registrar(CS VI)

True Copy  
Sub-Assistant Registrar

msm  
To

The Secretary to Government of Tamil Nadu,  
School Education Department,  
Fort St. George, Chennai - 600 009.

2. The Director of Elementary Educational Officer,  
DPI Campus, College Road, Chennai.

3. The District Elementary Educational Officer,  
Thiruvannamalai, Thiruvannamalai District.

4. The Assistant Elementary Educational Officer,  
Arni, Thiruvannamalai District.

+1 cc to Mr.P.Murali Advocate sr15608  
+1 cc to the Government Pleader sr16215

W.P.No.16652 of 2015

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aa13/07/2020