



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9088 of 2020

and

W.M.P (MD)No.8320 of 2020

WEB COPY

A.Joseph Sebestian

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai 600 009.
- 3.The District Educational Officer,
Devakottai, Sivagangai District.
- 4.The Block Educational Officer (3)
Block Education Office,
Kalayarkovil, Sivagangai District 630 551
- 5.The Headmistress,
Panchayat Union Primary School,
Oyyavanthan, Kalaiyarkovil Union,
Sivagangai District 630 551

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to re-fix petitioner's salary on the basis of his last pay drawn in St.Antony's Higher Secondary School, Thiruchancode, Namakkal District from 08.02.2010 in the light of the order of this Court in W.P(MD).No.452 of 2016 dated 27.11.2019.

For Petitioner : Ms.A.Amala

For Respondents : Mr.A.Thiyagarajan
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents herein to re-fix petitioner's salary on the basis of his last pay drawn in St.Antony's Higher Secondary School, Thiruchancode, Namakkal District, from 08.02.2010 in the light of the order of this Court in W.P(MD).No.452 of 2016, dated 27.11.2019.

2.Heard Ms.A.Amala, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents.



3.By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

4.The petitioner was appointed as Secondary Grade Teacher in Aided School called St.Paul Higher Secondary School at Salem District on 14.09.2001. Thereafter, he was shifted to some other Aided School at Thiruchancode and ultimately, he was appointed in a Government School at Arangiranpatti, Thirumayam Panchayat Union, Pudukottai District from 09.02.2010 on contract basis and thereafter, he was transferred at the Government Middle School at Sivagangai District from 01.08.2014 and has been working there.

5.In this regard, the grievance of the petitioner is that, the service rendered by the petitioner in Aided School before 08.02.2010 i.e., from 14.09.2001 to 08.02.2010 shall be taken into account for the purpose of fixing his salary and other service benefits. In order to get the same, the petitioner has given a representation to the respondents on 25.01.2020 and thereafter, another reminder representation has also been given on 29.07.2020. Since both representations have not been considered, the petitioner is before this Court.

6.The learned counsel for the petitioner would submit that, similar issue came up for consideration before this Court in W.P (MD).No.452 of 2016 in the matter of **A.Rose Pauline Vs., The District Elementary Educational Officer, Sivagangai and others** by order dated 27.11.2019, it was decided. Therefore, the benefit payable to the petitioner can also be extended to the petitioner in the light of the said order passed by this Court.

7.The learned Government Advocate appearing for the respondents would submit that, in the light of the settled legal position, as per the import of the relevant Government Order and the instructions made in this regard by the respondents, the request of the petitioner would be considered on merits and in accordance with law within a time frame that may be fixed by this Court.

8.Considering the said submissions made by the learned counsel appearing for both sides, this Court is inclined to dispose of this writ petition with the following directions:

'that the respondents, especially, the third respondent is hereby directed to consider the representations of the petitioner, dated 25.01.2020 and 29.07.2020 with regard to pay fixation and decide the same on merits and in accordance with law on the basis of the legal position referred to above and pass orders thereon, accordingly, within a period of eight (8) weeks from the date of receipt of a copy of this order.'



9.With the above directions, this Writ Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy,shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai 600 009.
- 3.The District Educational Officer,
Devakottai, Sivagangai District.
- 4.The Block Educational Officer (3)
Block Education Office,
Kalayarkovil, Sivagangai District 630 551
- 5.The Headmistress,
Panchayat Union Primary School,
Oyyavanthan, Kalaiyarkovil Union,
Sivagangai District 630 551.

+1 CC to M/s.A. AMALA, Advocate (SR-13930[F] dated
12/08/2020)

W.P. (MD)No.9088 of 2020
12.08.2020

SPU (14.09.2020) 3P 7C