



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.20507 of 2014

R.Daisy

... Petitioner

-Vs-

1. The State of Tamilnadu,
Represented by its Secretary,
Department of School Education,
Secretariat,
St.George Fort,
Chennai-600 009.
2. The District Elementary Educational Officer,
District Education Office,
Thoothukudi-628 002.
3. The Assistant Elementary Educational Officer,
Elementary Education Office,
Thiruvaikundam,
Thoothukudi District-628 601.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 2nd Respondent in Na.Ka.No.3396/A1/2014 dated 14.11.2014 and quash the same and consequently direct the respondents to grant the pay for the petitioner in par with her junior in service.

For Petitioner : Mr.B.Rooban
For R1 to R3 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

The grievances of the writ petitioner is that her junior is getting more salary and therefore, the petitioner filed an application seeking sanction of pay of par with her junior. The application of the petitioner was rejected by proceedings dated 14.11.2014 stating that the junior one Mr.P.M.Bab Hais was appointed on 12.10.1987 at Pandukudi Panchayat Union Elementary School, Tiruvadana, Ramanathapuram District and thereafter transferred to



Panchatat Union, Srivaikundam, Tuticorin District. The reasons states that Mr.P.M.Bab Hais cannot be considered as a junior to the writ petitioner.

2.In view of the fact that he was appointed in Ramanathapuram District and thereafter transferred to Srivaikundam, such transferred employees cannot be cited as junior for the purpose of claiming higher salaries.

3.This Court is of the considered opinion that the seniority is to be decided with reference to the cadre place of work. In this case, the seniority is maintained for the secondary grade teacher. when seniority is maintained to transfer, the particular teacher is placed in the seniority in the different position and some time in case require transfer such seniority placed in the bottom, all these factors are to be considered while granting pay of salary of the junior. In the present case, the petitioner cited one Mr.P.M.Bab Hais as a junior and he was appointed in Ramnathapuram District and subsequently transferred to Srivaikundam. This being the factum, the comparison itself is improper and therefore, the petitioner is not entitled for the relief sought for in this petition. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss/vsg

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,
State of Tamilnadu,
Department of School Education,
Secretariat, St.George Fort,
Chennai-600 009.
2. The District Elementary Educational Officer,
District Education Office,
Thoothukudi-628 002.



3. The Assistant Elementary Educational Officer,
Elementary Education Officer,
Thiruvaikundam,
Thoothukudi District-628 601.

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+1 CC to the SPL GP (SR-22347[F] dated 20/11/2020)

W.P. (MD) .No.20507 of 2014
19.11.2020

CK (CO)
CS (01.12.2020) 3P 5C