



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2020

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD) No.11439 of 2017

and

W.M.P. (MD) Nos.8807 and 8808 of 2017

WEB COPY

A.Joseph Sebastian

... Petitioner

Vs.

1.The Director of Elementary Education,
Directorate of Elementary Education,
Chennai - 06.

2.The District Education Officer,
O/o, the District Education Officer,
Sivagangai,
Sivagangai District.

3.The Assistant Elementary Education Officer,
O/o, the Assistant Elementary Education Officer,
Kalayarkoil,
Sivagangai District.

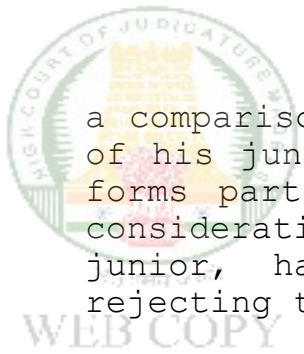
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Pa.Mu.No.1710/A4/2017, dated 09.06.2017 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents to re-fix the scale of pay of the petitioner in the cadre of Selection Grade Secondary Grade Teacher on par with the Junior in the cadre of Selection Grade Secondary Grade Teacher within a time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The petitioner herein seeks for re-fixation of the scale of pay on par with a junior Teacher in the cadre of Selection Grade Secondary Grade Teacher. In this connection, the petitioner herein had earlier given a representation, dated 04.03.2017 and in view of the non-consideration of his representation, he had filed a writ petition in W.P(MD).No.6618 of 2017 and this Court, by an order, dated 12.04.2017, directed the respondents to consider the representation within a period of eight weeks. In the said representation dated 04.03.2017, the petitioner claims to have given



a comparison statement of the anomaly in the scale of pay with that of his junior, namely, S. John Albert. Though the comparison table forms part of the representation, the respondents herein, without consideration of the pay anomaly between the petitioner and his junior, had now passed the impugned order, dated 09.06.2017, rejecting the petitioner's request.

2. The petitioner has raised several grounds challenging the impugned order. However, the learned counsel for the petitioner would predominantly highlight the ground that inspite of having brought to the notice of the respondents about the anomaly in the pay scale, the respondents had failed to consider the same. Since the grievance of the petitioner seems to be only on the difference of wages between himself and his junior, the respondents ought to have considered this aspect as one of the main grounds and in view of the non-consideration, this Court is of the view that if the respondents are granted another opportunity to reconsider the petitioner's representation, the ends of justice could be secured.

3. In the light of the above observations, the impugned order, dated 09.06.2015, is set aside and the matter is remanded back to the second respondent. Consequently, the second respondent herein is directed to consider the petitioner's representation, dated 04.03.2017 along with the comparison table given by the petitioner highlighting the anomaly in the pay scale of the petitioner with that of his junior, namely, S. John Albert. Such a reconsideration shall be completed within a period of four weeks from the date of receipt of a copy of this order.

4. This Writ Petition stands disposed of accordingly. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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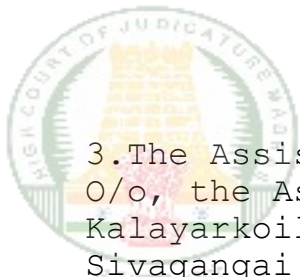
Sub Assistant Registrar(CS)

PJL
To

1.The Director of Elementary Education,
Directorate of Elementary Education,
Chennai - 06.

2.The District Education Officer,
O/o, the District Education Officer,
Sivagangai,

<https://hservices.mca.gov.in/hservices/> District.



3.The Assistant Elementary Education Officer,
O/o, the Assistant Elementary Education Officer,
Kalayarkoil,
Sivagangai District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-5807[F]dated 12/02/2020)

+1 CC to SPL.GP (SR-5833[F] dated 12/02/2020)

**Order made in
W.P. (MD) No.11439 of 2017
11.02.2020**

VB(26.02.2020) 3P 6C