

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2975 of 2021
(Heard through VC)

L.Selvi

.. Petitioner

-vs-

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
 - 2.The Chief Educational Officer,
Kallakurichi District,
Kallakurichi.
 - 3.The District Educational Officer,
Ulundurpet Educational District,
Villupuram District.
(Presently Kallakurichi District).
 - 4.The Block Educational Officer-I,
Thiyagadurugam Block,
Kallakurichi District.
- ... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 3rd Respondent in O.Mu.No.392/Aa3/2019 dated 13.06.2019 and to quash the same and consequently directing the Respondents to step up the scale of pay of the Petitioner on par with junior as per the application dated 20.02.2019, with all consequential and other attendant benefits including payment of arrears of salary along with interest, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The writ petition has been filed challenging the impugned proceedings issued by the 3rd Respondent in O.Mu.No.392/Aa3/2019 dated 13.06.2019 and consequently for a direction to the respondents to step up the scale of pay of the petitioner on par with junior as per the application dated 20.02.2019, with all consequential and other attendant benefits, including payment of arrears of salary along with interest, within a time frame to be fixed by this Court.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

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

4. When the matter is taken up for hearing, it is represented by Mr.P.Raja, learned Government Advocate appearing for the respondents that the issue is covered by the order in W.P.(MD) No.742 of 2018 dated 07.02.2018, more so, with regard to paragraph 5 of the said order. He further submitted that steps have been taken to prefer an appeal against the order dated 07.02.2018.

5. This Court makes it very clear that, in case the order is reversed in appeal, the same yardstick will be applicable to the petitioner also and the petitioner cannot take a stand that he is not aware of the Writ Appeal or the proceedings and that the orders have been passed without hearing him. This Court further makes it very clear that in case the order of the learned Single Judge is reversed, the petitioner may be informed about the order, enclosing a copy of the order, decision can be taken. There is no need for a hearing to the petitioner.

6. Accordingly, the Writ petition is allowed in terms of the order dated 07.02.2018 in W.P.(MD) No.742 of 2018. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Kallakurichi District,
Kallakurichi.

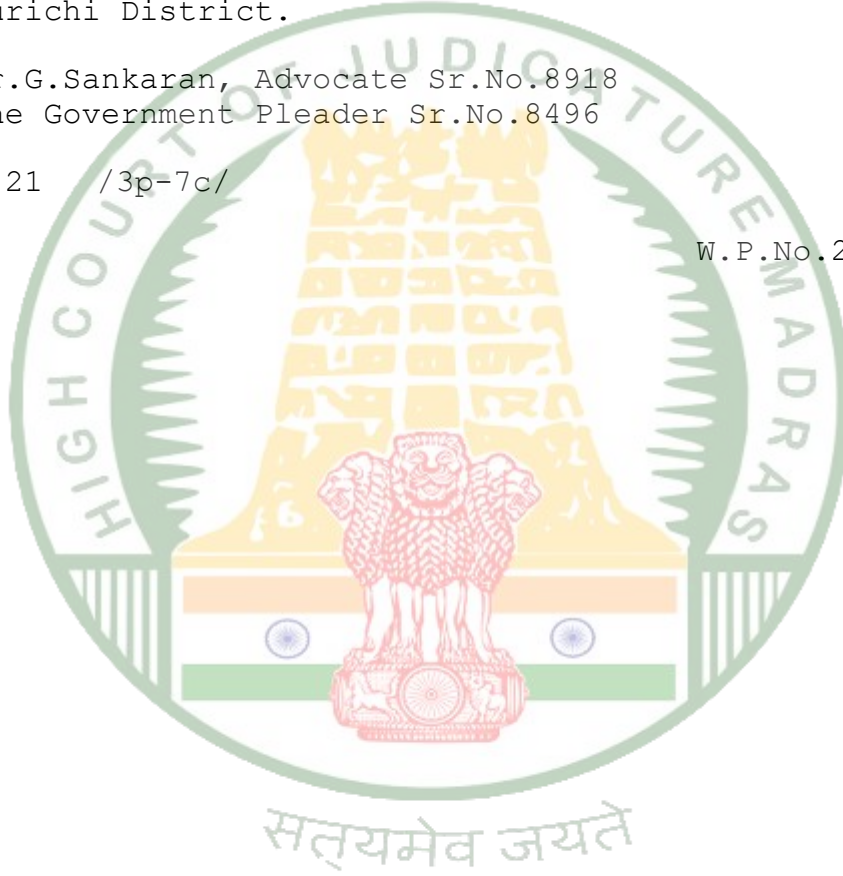
3.The District Educational Officer,
Ulundurpet Educational District,
Villupuram District.
(Presently Kallakurichi District).

4.The Block Educational Officer-I,
Thiyagadurugam Block,
Kallakurichi District.

+1cc to Mr.G.Sankaran, Advocate Sr.No.8918
+1cc to The Government Pleader Sr.No.8496

akm/01.04.21 /3p-7c/

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12.02.2021



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