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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.41002 to 41004 of 2016
and
W.M.P.Nos.35009 to 35014 of 2016
and 6123 to 6125 of 2017

(Through Video Conferencing)

1.K.Balamurugan ...Petitioner in W.P.No.41002 of 2016
2.H.George ...Petitioner in W.P.No.41003 of 2016
3.N.Manivannan ...Petitioner in W.P.No.41004 of 2016

Vs

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

2. The District Elementary Educational Officer,
   Perambalur. ... Respondents in all W.Ps.

3. The Assistant Elementary Educational Officer,
   Veppur Panchayat Union,
   Perambalur District.
   ...3rd Respondent in W.P.Nos.41002 & 41004 of 2016

4. The Assistant Elementary Educational Officer,
   Perambalur Panchayat Union,
   Permbalur District.
   ... 3rd Respondent in W.P.Nos.41003 of 2016

Prayer in W.P.No.41002 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent passed in Na.Ka.No.16907/E1/2016, dated 11.08.2016 and also the consequent order of the second respondent passed in Na.Ka.No.430/A1/2016, dated 19.10.2016, quash the same so far as the petitioner is concerned and consequently direct the respondents to permit the petitioner to receive the pay as fixed vide the proceedings of the second respondent in Na.Ka.No.430/A2/2015 dated 17.11.2015.

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Prayer in W.P.No.41003 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent passed in Na.Ka.No.16907/E1/2016, dated 11.08.2016 and also the consequent order of the second respondent passed in Na.Ka.No.356/A1/2016, dated 19.10.2016, quash the same so far as the petitioner is concerned and consequently direct the respondents to permit the petitioner to receive the pay as fixed vide the proceedings of the second respondent in Na.Ka.No.356/A1/2016 dated 28.04.2016.

Prayer in W.P.No.41004 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent passed in Na.Ka.No.16907/E1/2016, dated 11.08.2016 and also the consequent order of the second respondent passed in Na.Ka.No.1080/A2/2016, dated 19.10.2016, quash the same so far as the petitioner is concerned and consequently direct the respondents to permit the petitioner to receive the pay as fixed vide the proceedings of the second respondent in Na.Ka.No.21/A2/2013 dated 28.03.2013 and Na.Ka.No.1080/A2/2013, dated 17.11.2015.

For Petitioner (in all W.Ps) : M/s.Dakshayani Reddy for Mr.P.Nethaji

For Respondents (in all W.Ps) : Mr.L.S.M.Hasan Fizal Government Advocate

COMMON ORDER

By this common order, all these writ petitions have been disposed of.

2.The petitioners have challenged the impugned order dated 11.08.2016 seeking to revised the stepping up order dated 17.11.2015 of the respondents. The respondent have sought to revoke the aforesaid order vide impugned order dated 11.08.2016 and has sought to implement the same vide impugned order dated 19.10.2016 on the ground that the petitioners came on transfer from different schools.

3.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

4.Facts are not in dispute. The petitioners have challenged the impugned order seeking to revise the stepping order dated 17.11.2015. The respondents submitted that the petitioners have came on transfer from different schools from different

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Panchayats and therefore they are not entitled for any stepping up of the order. The seniority list filed in the respective writ petitions indicates that the petitioners are senior to Mr.Sekar, Ms.Angamuthu and Mr.Nepolian in the seniority list.

5.It is the case of the petitioner that the petitioners were transferred to the respective schools on 15.08.1996, 07.16.1996 and 01.08.1996. The above named persons were appointed, on 07.10.1996, 09.07.1996 and 07.10.1996 after the petitioner were transferred to the respective schools. Thus, the respective writ petitions in the respective petitioners were senior to these persons namely, Mr.Sekar, Ms.Angamuthu and Mr.Nepolian in the seniority list.

6.Dealing with an identical issue, already an order has been passed in W.P.(MD).No.742 of 2018 vide order dated 07.02.2018, and in W.P.No.34455 of 2019 vide order dated 06.01.2020. Appeal filed by the Director of School Education in W.A.No.178 of 2021 against order dated 06.01.2020 in W.P.No.34455 of 2019 was also dismissed by an order dated 18.03.2021, in view of the order passed by the Hon'ble the Madurai Bench of Madras High Court in W.P(MD).No.742 of 2018 dated 07.02.2018. Similar order were also passed by the Hon'ble Division Bench of this Court in W.A.No.78 of 2021 on 09.04.2021 and W.A.(MD).No.215 of 2020 on 15.04.2021. All these orders were also considered recently in W.P.No.15298 of 2017 vide order dated 13.07.2021.

7.Accordingly, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

2. The District Elementary Educational Officer,
   Perambalur.

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3. The Assistant Elementary Educational Officer,
   Veppur Panchayat Union,
   Perambalur District.

4. The Assistant Elementary Educational Officer,
   Perambalur Panchayat Union,
   Permbalur District.

+3CCs to Mr.P.Nethaji, Advocate, Sr.No.42551
+1CC to Mr.Government Pleader, Sr.No.43026

W.P.Nos.41002 to 41004 of 2016
and
W.M.P.Nos.35009 to 35014 of 2016
and 6123 to 6125 of 2017

VSN-II (CO)
K.RK. (18.10.2021)

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