



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No. 9576 of 2021

A.P.A. Ganesan

... Petitioner

Vs.

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

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

3.District Educational Officer,
Uthamapalayam Educational District,
Theni District.

4.Secretary,
Gandhiji Vidyapeedam Higher Secondary School,
Kanniservaipatti - 625 515.
Theni District.

... Respondents

RAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pass orders on the representation submitted by the petitioner dated 02.04.2016 for fixation of scale of pay in the post of Middle School Headmaster on upgradation of Middle School as High School, with all consequential benefits including retirement benefits and other pension benefits in terms of G.O(4D) No.10 School Education (D2) Department, dated 09.03.2012 and G.O(2D) No.78 School Education (Nee. Va. 3(2)) Department dated 20.11.2014, within time frame to be fixed by this Court.

For Petitioner : Mr.G. Sankaran

For Respondents : Mr.P.Thillak Kumar,
Standing Counsel for Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.



2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pass orders on the representation submitted by the petitioner, dated 02.04.2016 for fixation of scale of pay in the post of Middle School Headmaster on up-gradation of Middle School as High School, with all consequential benefits including retirement benefits and other pension benefits in terms of G.O(4D) No.10 School Education (D2) Department, dated 09.03.2012 and G.O(2D) No.78 School Education (Nee. Va. 3(2)) Department dated 20.11.2014, within a time frame to be fixed by this Court.

4. According to the petitioner, he was initially appointed as Middle School Headmaster in 4th respondent school on 11.11.1989 and subsequently, the 4th respondent school was upgraded as High School in the year 1997 and since he was absorbed as B.T. Assistant in the High School. As per the orders issued by the Government in G.O.(MD) No. 10 School Education (D2) Department dated 09.03.2012, the Middle School Headmaster absorbed as B.T. Assistant on up-gradation of Middle School as High School to be granted with the scale of pay fixed for the post of Middle School Headmaster. Based on the said G.O, the petitioner has sent a representation, dated 02.04.2016 to the third respondent through proper channel for the purpose of fixation of scale of pay in the post of Middle School Headmaster on being absorbed in the High School. But, the same has not been considered by the respondent, till date. Hence, the petitioner has come forward with the present Writ Petition.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 02.04.2016, on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order



8. With the above direction, the writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

Note:(i) 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 Director of School Education,
DPI Campus, College Road,
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2.The Chief Educational Officer,
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Theni.

3.District Educational Officer,
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Theni District.

4.Secretary,
Gandhiji Vidyapeedam Higher Secondary School,
Kanniservaipatti - 625 515.
Theni District.

+1 CC to M/s.SPL GP (SR-18948[F] dated 07/06/2021)

+1 CC to M/s.F.DEEPAK, Advocate (SR-18898[F] dated 07/06/2021)

W.P (MD) No. 9576 of 2021

04.06.2021

NA (CO)

TR(18.06.2021) 3P 7C