



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.12.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.2461 of 2018

and W.M.P (MD)No.2662 of 2018

WEB COPY

Rosemary

...Petitioner

Vs.

1.The Director of Elementary Education,
Directorate of Elementary Education,
College Road,Chennai.

2. The District Elementary Educational Officer,
Office of District Elementary Educational Officer,
Tuticorin.

3.The Additional/Assistant Elementary Education Officer,
Alwarthirunagari,
Thenthiruperai,
Tiruchendur Taluk,
Tuticorin District.

...Respondents

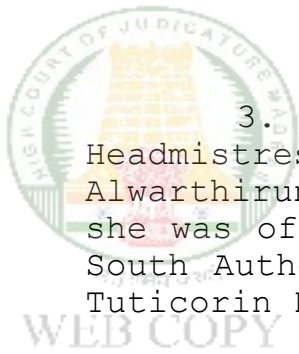
PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to A.Thi.mu.No.176/A2/2017 dated 07.03.2017 by the 3rd respondent and quash the same and consequently direct the respondents to consider refixation of pay in the higher officiating post if the pay in the lower post as per Rule 4(3) of TN Revised Scales of Pay 1989 and G.O.Ms.No.207 dated 03.09.2008 by considering the representation dated 13.01.2017 and 15.06.2017 of the petitioner.

For Petitioner	:	Mr.S.Siva Thilakar
For Respondents	:	Mr.A.K.Manikkam Special Government Pleader

O R D E R

The petitioner challenges impugned order dated 07.03.2017 returning her representation dated 13.01.2017 on the ground that there is no Rule available to accept the request made by her for awarding of Special and Selection Grade benefits.

2. The petitioner had been appointed on 19.10.1987 as Secondary Grade Assistant Teacher at Panchayat Union Middle School, Dharmapuri District. She was transferred thereafter to several other schools and on 19.10.1997, promoted to Selection Grade post.



3. On 18.07.2005, she had been promoted to the post of Headmistress, Puliyankulam Panchayat Union Primary School at Alwarthirunagari Union, Tuticorin District. Simultaneous therewith, she was offered and accepted the appointment as Tamil Pandit in the South Authoor Panchayat Union Middle School, Alwarthirunagari Union Tuticorin District on 30.11.2006.

4. While so, she was promoted on 01.06.2008 as Headmistress in Panchayat Union Middle School, Kurumbur, Tuticorin District and superannuated from service on 31.03.2014. A glance at her career path would reveal her conscious and voluntary availment of promotions to the post of Headmistress of the Primary School and thereafter Headmistress to the Middle School prior till her retirement.

5. It is not that the aforesaid posts have been thrust upon her or that she had been forced, in any way, into accepting the same. Her prayer, for awarding of Special and Selection Grade benefits is to be seen in the aforesaid context. She would argue that had she been retained in the post of Headmistress of the Primary School without being shifted to the post of Tamil Pandit she would have put in sufficient tenure in the post of Primary School Headmistress to be awarded Selection and thereafter Special Grade.

6. This is a hypothetical situation and one that is created by virtue of her own choices in following the career path chosen by her. She cannot now be permitted to seek enhanced employment and service benefits for posts that she consciously eschewed. In my view, her representation seeking Selection and Special Grade benefits has been rightly returned citing absence of a specific provision for the grant of the benefits. I find no infirmity in the same and dismiss this Writ Petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

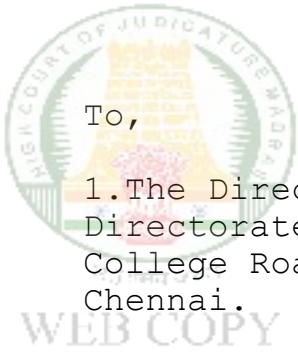
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/ /2022

Sub Assistant Registrar(CS)

CM

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 Director of Elementary Education,
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Chennai.

2. The District Elementary Educational Officer,
Office of District Elementary Educational Officer,
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3.The Additional/Assistant Elementary Education Officer,
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Thenthiruperai,
Tiruchendur Taluk,
Tuticorin District.

+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-39997[F] dated
22/12/2021)

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RD(04.02.2022) 3P 5C