



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No.910 of 2018

and

W.M.P (MD) .No.960 of 2018

S.Sivakami

.. Petitioner

Vs.

1.The State of Tamilnadu,
represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-9.

2.The Department of Finance(Pay Cell) Department,
rep. by its Principal Secretary,
Fort St.George,
Chennai-9.

3.The Director of School Education,
O/o.The Director of School Education,
DPI Campus,
Chennai.

4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tuticorin,
Tuticorin District-628 001.

5.The District Educational Officer,
O/o.The District Educational Officer,
Kovilpatti,
Tuticorin District.

6.The Government Higher Secondary School,
rep. by its Head Master,
Vembur,
Tuticorin District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent nos.3 to 6 to refix the salary of the petitioner by considering the service of the petitioner as Secondary Grade Teacher in the light of the Rule 22 B of the Fundamental Rules and the Government Order in



G.O.Ms.No.311, Finance(Pay Cell) Department dated 23.10.2017 within the time frame as fixed by this Court.

For Petitioner
For Respondents

: Mr.T.Lajapathi Roy
: Mr.K.S.Selvaganesan
Standing Counsel for State

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ORDER

Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Standing Counsel appearing for the respondents.

2.The petitioner prays for issuance of a Mandamus, to direct the respondents to re-fix the salary of the petitioner by considering her services as Secondary Grade Teacher. She would rely upon Rule 22 B of the Fundamental Rules of the Tamilnadu Government and G.O.Ms.No.311 Finance (Pay Cell) Department dated 23.10.2017.

3.Simultaneous, with the filing of the present Writ Petition, the petitioner has sought an identical relief by way of her representation dated 20.12.2017 addressed to the fourth respondent/Chief Educational Officer and in fact, both the learned counsel before me would concur that third respondent is the competent authority to consider the relief as sought for by the petitioner.

4.A counter affidavit has been filed by sixth respondent, being the Head Master of the Government Higher Secondary School, wherein, while denying the claim of the petitioner, it is stated that Rule 22 B of the Fundamental Rules is not applicable to the case of the petitioner herein.

5.However, since the representation submitted by the petitioner has to be disposed by the fourth respondent / Chief Educational Officer, who has not filed counter in the matter, it would suffice if a direction be issued to the fourth respondent to consider the representation of the petitioner dated 20.12.2017.

6. Accordingly, the fourth respondent is directed to consider the representation of the petitioner dated 20.12.2017 and after hearing the petitioner, pass a speaking order on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The disposal of the representation shall be by independent application of mind as well as uninfluenced by the averments made by the sixth respondent in his counter affidavit.



7. The Writ Petition is disposed accordingly. No costs. Consequently, connected miscellaneous petition is closed. No costs

Sd/-

Assistant Registrar (CO)

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/ /2021

Sub Assistant Registrar (CS)

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To

1.The Principal Secretary,
The State of Tamilnadu,
Department of School Education,
Fort St. George,
Chennai-9.

2.The Department of Finance (Pay Cell) Department,
rep. by its Principal Secretary,
Fort St. George,
Chennai-9.

3.The Director of School Education,
O/o.The Director of School Education,
DPI Campus,
Chennai.

4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tuticorin,
Tuticorin District-628 001.

5.The District Educational Officer,
O/o.The District Educational Officer,
Kovilpatti,
Tuticorin District.

6.The Head Master,
The Government Higher Secondary School,
Vembur,
Tuticorin District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-33888[F] dated
10/11/2021)



W.P.(MD) No.910 of 2018

+1 CC to M/s.SPL.GP (SR-33955[F] dated 10/11/2021)

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09.11.2021

PK (CO)

KB(10.11.2021) 4P 9C

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