



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**
W.P. (MD)No.8494 of 2016

WEB COPY

S.Arockiasamy

.. Petitioner

Vs

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
DPI Compound,
College Road,
Chennai-600 006.

3.The Joint Director(Personnel),
DPI Compound,
College Road,
Chennai-600 006.

4.The Chief Educational Officer,
Dindigul District,
Dindigul.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to fix the salary of the petitioner on par with B.T. Assistant Teachers within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

O R D E R

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

The prayer sought for in the present writ petition is for a direction to the first respondent to fix the salary of the petitioner on par with B.T. Assistant Teachers within the time stipulated by this Court.

<https://hcservices.mca.gov.in/hcservices/>



2. The case of the petitioner is that the petitioner is working as a Physical Education Teacher under the fourth respondent. He completed B.Sc., degree in Rural Development Science and completed Bachelor degree in Physical Education in Alagappa University during April 1986. On 07.06.1989, he was appointed as Secondary Grade Physical Education Teacher and thereafter, he completed his Master Degree in physical education in Alagappa University in the year 1994 and subsequently, his service was regularised in the year 1999. Further, he completed his M.Phil in Alagappa University in the year 1999 and P.G. Diploma in Yoga in Annamalai University on 06.05.2010. In such circumstances, the petitioner made a representation to the respondents on 07.09.2015 to fix the salary of the petitioner on par with B.T. Assistant Teachers, since he has acquired the equal educational qualification and rendering equal service to the BT Assistant Teachers and subsequently, he filed a writ petition in W.P.(MD).No.1848 of 2016 before this Court and thereafter, he has withdrawn the said writ petition with liberty to file a fresh petition. Again, on 30.01.2016, he made a fresh representation to the respondents to refix the salary on par with the B.T. Assistant Teachers. But till date his representation has not been considered by the respondents. Hence, the petitioner approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that it would be suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 30.01.2016 within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no serious objection to consider the representation of the petitioner dated 30.01.2016.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials placed on record.

6. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel on either side, this Court, without going to the merits of the case, is inclined to issue a direction to the first respondent to consider the representation of the petitioner dated 30.01.2016, within a reasonable time. Accordingly, this Court directs the first respondent to consider the representation of the petitioner dated 30.01.2016, and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PJL

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 Secretary to Government,
Government of Tamil Nadu,
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Fort St.George, Chennai-600 009.

2.The Director of School Education,
DPI Compound,
College Road, Chennai-600 006.

3.The Joint Director(Personnel),
DPI Compound,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Dindigul District,
Dindigul.

+1 CC to MR.J.LAWRANCE, Advocate (SR-6845[F] dated 24/02/2021)

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KM (24.03.2021) 3P 6C