



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.8618 of 2016

S.Latha

.. Petitioner

Vs

1. The District Elementary Educational Officer,
Karur, Karur District.

2. The Additional Assistant Elementary Educational Officer,
Karur Union,
Karur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay Selection grade pay in the cadre of Primary School Headmaster with effect from 24.06.2011 to the petitioner with all attendant benefits.

For Petitioner : Mr.Karuppasamy
for Mr.T.Pon Ramkumar

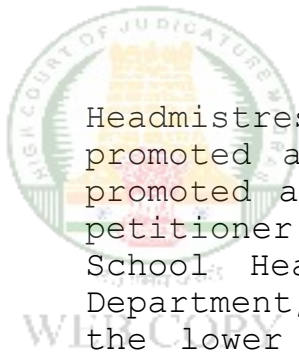
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

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 respondents to pay Selection grade pay to the petitioner in the cadre of Primary School Headmaster with effect from 24.06.2011 with all attendant benefits.

2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Teacher on 25.06.1991 and her service was regularised in the year 1992. Since the petitioner completed 10 years of service as Secondary Grade Teacher on 24.06.2001, the respondents awarded Selection Grade pay in the cadre of Secondary Grade Teacher in the year 2001. As per 5th Pay Commission, the scale of pay for a Selection Grade in the Secondary Grade Teacher post is 5300-150-8300. In the meantime, on 14.09.2004, the petitioner was promoted as Primary School Headmistress in the Panchayat Union Primary School, Karur and the scale of pay for the post of Primary School Headmistress is 5300-150-8300. Hence, the scale of pay for the Selection Grade Secondary Grade Teacher and Primary School



Headmistress is one and the same. Thereafter, the petitioner was promoted as BT Assistant on 29.06.2012 and subsequently, she was promoted as Middle School Headmistress on 22.02.2014. However, the petitioner was not awarded Selection Grade in the post of Primary School Headmistress. As per G.O.Ms.No.38 School Education (S2) Department, dated 05.03.2001, if the selection grade scale of pay of the lower post and the scale of pay of the promotional post is identical, the petitioner is entitled to receive selection grade of scale of pay in the cadre of promotional post by counting the service rendered in selection grade in lower post and till date that was not awarded. In this regard, the petitioner submitted several representations to the respondents. But till date her representations have not been considered by the respondents. Hence, the petitioner approached this Court with the above said prayer.

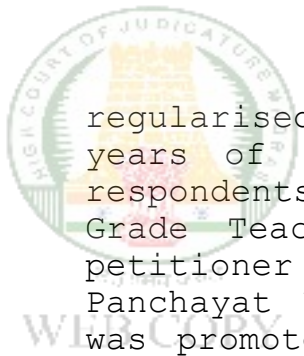
3. The learned counsel for the petitioner would submit that it would be suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 15.06.2015 within a reasonable time as fixed by this Court in the light of the Government Order in G.O.Ms.No.38 School Education (S2) Department, dated 05.03.2001.

4. The learned Additional Government Pleader appearing for the respondents did not dispute the facts submitted by the learned counsel for the petitioner. He further drew the attention of this Court to the counter filed by the respondents, wherein it is stated that as per G.O.Ms.No.23 Finance (Pay Cell) Department dated 12.01.2011, the scale of pay of Secondary Grade Teacher (Selection Grade) and the Primary School Headmaster (Ordinary Grade) are not identical and hence, the prayer sought for by the petitioner is not sustainable and prays for dismissal of this writ petition.

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. The grievance of the petitioner is that though the petitioner was awarded selection grade in the year 2001 in the post of Secondary Grade Teacher, after promotion to the post of Primary School Headmistress in the year 2004, there is no difference in the pay scale in the above said two posts and she received the same salary as that of the lower post. Hence, she prays that she is entitled for Selection Grade pay in the post of Primary School Headmistress for which the respondents filed a counter affidavit. However, perusal of the counter affidavit reveals that the Secondary Grade Teacher (Selection Grade) pay and the Primary School Headmaster (Ordinary Grade) pay are not identical, accordingly, the grievance of the petitioner was not considered by the respondents.

7. Admittedly the petitioner was originally appointed as <https://hcservices.mca.gov.in/HCServices> Teacher on 25.06.1991 and her service was



regularised in the year 1992. Subsequently, after completion of 10 years of service as Secondary Grade Teacher on 24.06.2001, the respondents awarded Selection Grade pay in the cadre of Secondary Grade Teacher in the year 2001. Thereby, on 14.09.2004, the petitioner was promoted as Primary School Headmistress in the Panchayat Union Primary School, Karur. Thereafter, the petitioner was promoted as B.T. Assistant on 29.06.2012 and subsequently, she was promoted as Middle School Headmistress on 22.02.2014. The claim of the petitioner is that the Selection Grade scale of pay of the lower post and the scale of pay of the promotional post is one and the same and hence she seeks selection grade scale of pay of the promotional post of Primary School Headmaster (Ordinary Grade). However, the Secondary Grade Teacher (Selection Grade) carries the pay scale of Rs.9300-34800+4300 Grade Pay whereas Primary School Headmaster (Ordinary Grade) carries the pay scale of Rs.9300-34800+4500 Grade pay. Hence, there is some difference in the Grade Pay of the above said two posts. Accordingly, the claim made by the petitioner to grant Selection Grade pay in the cadre of Primary School Headmaster with effect from 24.06.2011 is misconceived and it is also pertinent to note that as per G.O.Ms.No.38 dated 05.03.2001, if the Selection Grade scale of pay of the lower post and the scale of pay of the promotional post is identical, selection grade of scale of pay in the cadre of promotional post can be given by counting the service rendered in selection grade in lower post. Hence, unless the petitioner rendered service in the post of Primary School Headmaster for 10 years, she is not entitled for Selection Grade pay in the said post. In the present writ petition, since the petitioner acquired the promotion as Primary School Headmaster in the year 2011, she is not entitled for the prayer sought for in this writ petition.

8. In view of the above, I am not inclined to grant the prayer sought for by the petitioner in the present writ petition. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// 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

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



the responsibility of the advocate/litigant concerned.

To

1.The District Elementary Educational Officer,
Karur, Karur District.

2.The Additional Assistant Elementary Educational Officer,
Karur Union,
Karur District.

+1 CC to Mr.T.PON RAMKUMAR, Advocate (SR-6624[F] dated 23/02/2021)

+1 CC to M/s.SPL GP (SR-6962[F] dated 24/02/2021)

**W.P. (MD) .No.8618 of 2016
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VB (25.03.2021) 4P 5C