



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.1427 OF 2020

R.Senthilkumar

... Petitioner

.Vs.

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

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

3. The Chief Educational Officer,  
Kancheepuram District,  
Kancheepuram.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pass orders granting pay protection to the petitioner by continuing the salary drawn by the petitioner in the post of Physical Education Teacher (PET) on appointment to the post of Physical Director Grade I as on 22.09.2010 with all consequential and attendant benefits, including arrears of salary and other emoluments, based on the representation submitted by the petitioner dated 07.11.2019, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Nanmaran  
Additional Government Pleader  
For R1 to R3



## O R D E R

The prayer in the Writ Petition is for a Mandamus directing the respondents to pass orders granting pay protection to the petitioner by continuing the salary drawn by the petitioner in the post of Physical Education Teacher (PET) on appointment to the post of Physical Director Grade I as on 22.09.2010 with all consequential and attendant benefits, including arrears of salary and other emoluments, based on the representation submitted by the petitioner dated 07.11.2019, within a time frame.

2. The third respondent has filed a counter affidavit, wherein it has been stated that appointment of the petitioner as Physical Director Grade-I is only new, which was done on selection by Teachers Recruitment Board and according to the provisions in Fundamental Rules, the pay of the new appointee will be only at the minimum of the Scale of Pay and there is no provision to allow pay protection to a newly appointed person and also relied upon Rule 22-B of the Fundamental Rules.

3. However, learned counsel for the petitioner has disputed the aforesaid provisions of the Rules and seeks opportunity to the petitioner to place all the materials before the respondents to consider the representation of the petitioner.

4. In the light of the above submission made by the learned counsel for the petitioner, this Court permits the petitioner to furnish additional particulars in the form of representation to the Commissioner of School Education, Chennai-600 006, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such additional particulars, the Commissioner of School Education shall consider the said representation and pass orders on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks thereafter. The petitioner is also directed to file a memo to amend the nomenclature of the second respondent.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jvm



To

1. The Principal Secretary to Government,  
The State of Tamil Nadu,  
School Education Department,  
Fort St. George,  
Secretariat,  
Chennai - 600 009.
2. The Director of School Education,  
DPI Campus, College Road,  
Chennai - 600 006.
3. The Chief Educational Officer,  
Kancheepuram District,  
Kancheepuram.
4. The Commissioner of School Education,  
Chennai - 600 006.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.10456

W.P.NO.1427 OF 2020

SV(CO)  
PBS/01/03/2022