



WEB COPY

W.P.No.30375 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 30375 of 2016

and

W.M.P.Nos.26341 & 26342 of 2016

and W.M.P.No.2619 of 2020

The Graduate Physical Education Teachers Association
No.5/13. Anandan Street
Chidambaram, Cuddalore District
Rep. by its State President
R.Jayadevan, S/o. Ramadoss

..

Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Finance Department, Secretariat, Fort St. George
Chennai 600 009.
2. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
School Education Department
Secretariat, Fort St. George, Chennai 600 009.
3. The Director of School Education
DPI Campus, College Road, Chennai 600 006.
4. The Regional Director
Southern Regional Committee
National Council for Teacher Education
Jnana Bharathi Campus Road
Opposite to National Law School
Nagarabahvi, Bangalore 560 072.

..

Respondents



Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the first respondent in letter No.42427/CC1(1)/2014-3 dated 24.06.2015 and to quash the same and consequently direct the respondents to revise the scale of pay applicable to the post of Physical Education Teacher with qualification of 'Graduation in Physical Education' on par with the post of BT Assistant in Pay Band-II in the scale of pay of Rs.9300-34800 + 4600 GP in rectification of pay anomaly as per 'Tamil Nadu Revised Scale of Pay Rules 2009' with retrospective effect with all consequential and other attendant benefits, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Sanjay Gandhi
Government Advocate
for respondent 1

Mrs.S.Mythreye Chandru
Special Government Pleader
for respondents 2 and 3

Mr.J.Harikrishnan
for respondent 4



ORDER

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The relief sought for in the present writ petition is to enhance the Grade Pay and for grant of revised Scale of Pay for the post of Secondary Grade Teacher, BT Assistant Teacher, PG Assistant Teacher and Physical Education Teacher.

2. The present writ petition has been filed by the Graduate Physical Education Teachers Association. In the matter of fixation of pay and grant of Grade Pay, the aggrieved employees have to approach the Authorities at the first instance and thereafter the Court of Law.

3. In respect of fixation of revision of pay of grant of Grade pay, the petitioner-Association cannot file the present writ petition as it involves verification of Service Records individually. Thus the present writ petition filed by the petitioner-Association is not entertain able as the relief sought for cannot be construed as common in nature. Accordingly, the aggrieved members of the petitioner-Association are at liberty to pursue their remedy in the manner known to law.



4. With the abovesaid liberty, the writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

29.09.2022

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Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Secretary to Government
The State of Tamil Nadu
Finance Department, Secretariat, Fort St. George
Chennai 600 009.
2. The Principal Secretary to Government
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S.M.SUBRAMANIAM, J.

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