



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A(MD)No.151 of 2022

and

C.M.P (MD)No.1523 of 2022

1.The District Educational Officer,
Madurai Educational District,
Madurai District.

2.The Block Educational Officer,
[Formerly known as Assistant Elementary
Educational Officer],
Usilampatti Union,
Usilampatti Educational District,
Madurai District.

... Appellants/Respondents

Vs.

Manimegalai

... Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 25.04.2019 passed in W.P(MD)No.6358 of 2019 by the learned Single Judge.

Prayer in WP(MD). 6358/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the entire record pertaining to the impugned order in Na.Ka.No.4117/Aa3/2016 dated 21.09.2016 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st and 2nd respondents to re-fix the petitioners salary as on 01.01.2011 in par with junior Smt.R.Santhi and to grant all other benefits there from, on the basis of the petitioners representation dated 13.08.2016

For Appellants	: Mr.S.P.Maharajan, Special Government Pleader.
For Respondent	: Mr.P.M.Vishnuvarthanan

J U D G M E N T

[Delivered by PARESH UPADHYAY, J.]

Challenge in this appeal is made to the order dated 25.04.2019 recorded on W.P(MD)No.6358 of 2019. This appeal is by the respondent authorities (in the writ petition).



2. Learned Special Government Pleader for the appellants has vehemently submitted that, learned Single Judge fell in error while allowing the petition, since the petitioner was not entitled to stepping up of pay. It is submitted that the claim by the petitioner is against the policy of the State. It is submitted that, therefore this appeal be entertained.

3. On the other hand, learned advocate for the respondent / original writ petitioner has submitted that, not only no error is committed while recording the impugned order, number of petitions were filed on this line and identical orders were passed and many of those orders were even challenged by the State and those appeals are also dismissed. Attention of this Court is invited to few of such orders, as under:

- (i) Order dated 18.03.2021 recorded on W.A.No.178 of 2021;
- (ii) Order dated 15.04.2021 recorded on W.A(MD)No.27 of 2020;
- (iii) Order dated 15.04.2021 recorded on W.A(MD)No.740 of 2019;
- (iv) Order dated 15.04.2021 recorded on W.A(MD)No.215 of 2020;
- (v) Order dated 15.04.2021 recorded on W.A(MD)No.30 of 2020;
- (vi) Order dated 15.04.2021 recorded on W.A(MD)Nos.1223 and 1258 of 2020;
- (vii) Order dated 15.04.2021 recorded on W.A(MD)Nos.911 and 955 of 2020;
- (viii) Order dated 15.04.2021 recorded on W.A(MD)No.182 of 2021;
- (ix) Order dated 15.04.2021 recorded on W.A(MD)No.828 of 2021.

4. Learned Special Government Pleader for the appellants is not in a position to dispute that, the subject matter of those appeals and the present appeal, in substance is the same. In view of this, no different view needs to be taken in this appeal.

5. For the above reasons, this appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (C.S.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



1.The District Educational Officer,
Madurai Educational District, Madurai District.

2.The Block Educational Officer,
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Usilampatti Educational District, Madurai District.

+1cc to Special Government Pleader, Sr.No.8081

W.A(MD)No.151 of 2022

Date:21.02.2022

SA(05.03.2022) 3P 4C