



W.P.(MD) No.2395 of 2020

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.12.2022**

**CORAM**

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

W.P.(MD) No.2395 of 2020  
and  
W.M.P.(MD) No.2054 of 2020

M.Gnanamani

... Petitioner

-VS-

The District Educational Officer,  
Sivakasi  
Virudhunagar District

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in O.Mu.No.1846/A2/2018 dated 27.08.2018 on the file of the respondent and quash the same as illegal and consequently for a direction to the respondent to refix the scale of pay and pension of the petitioner by stepping up the pay on par with junior with all consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Shaji Bino  
Special Government Pleader



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## ORDER

Challenging the impugned order of the respondent dated 27.08.2018 and for a consequential direction to the respondent to refix the scale of pay and pension of the petitioner by stepping up the pay on par with junior with all consequential benefits, the present petition has been filed.

2.The case of the petitioner is that the petitioner was appointed in the post of PG Assistant Tamil on 23.03.1985 at Nadar Mahamai Higher Secondary School, Elaiyirampannai, Virudhunagar District, which is an aided school. She was awarded with incentive increments for possessing higher qualification of M.Ed., and M.Phil in the years 1989 and 1993 respectively. However, her junior one K.Indira Devi, who was appointed on 06.04.1985 has been granted higher pay than the petitioner. at the time of granting incentive increment for possessing M.Phil on 18.09.1997. Therefore, to rectify the anomaly, the petitioner preferred a representation. However, the same has been rejected by the respondent vide impugned order dated 27.08.2018, wherein it has been stated that the junior was granted incentive increment for M.Ed., on 16.09.1987 and hence, there is no



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pay anomaly. Challenging the same, the present writ petition is filed.

3.The learned counsel for the petitioner would submit that the petitioner possessed M.Ed., and M.Phil qualification on 26.08.1989 and 20.07.1993 respectively. He would further submit that her junior was granted increment on 18.09.1997 for possessing M.Phil, whereas the petitioner qualified M.Phil on 20.07.1993 itself and hence, there is a pay anomaly and interference is warranted.

4.By relying upon the counter affidavit filed by the respondent, the learned Special Government Pleader would submit that the petitioner was appointed as P.G.Assistant on 23.03.1985. She was granted incentive increments for possessing M.Ed., qualification on 26.08.1989 and for M.Phil on 20.07.1993. He would further submit that the junior of the petitioner, viz., K.Indira Devi was appointed on 06.04.1985 as PG Assistant. She was also sanctioned incentive increment for possessing M.Ed., qualification on 16.09.1987 and for M.Phil on 18.09.1997. However, Indira Devi completed her higher studies before the petitioner herein, ie., Indira



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Devi completed her M.Ed., on 16.09.1987, whereas the petitioner completed her M.Ed., only on 26.08.1989. It is further submitted that the seniors should complete their higher qualification before the junior, then only, the seniors will get incentive increment before the junior. Accordingly, since the junior completed her M.Ed., before the senior, she was granted incentive increment and therefore, there is no pay anomaly and the petitioner did not submit his application in the prescribed format within the time limit. The junior was granted pay of Rs.9375/-, whereas the petitioner was drawing Rs.8825/- in the scale of pay of Rs.8000-275-13500. Hence, the pay granted is in tune with the qualification acquired and after a lapse of two decades, the present writ petition has been filed and the writ petition is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

6. Admittedly, the petitioner was appointed as P.G. Assistant on 23.03.1985. It is also admitted that her junior was appointed as PG



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Assistant on 06.04.1985. However, she passed M.Ed., before the petitioner on 16.09.1987. The petitioner passed M.Ed., only on 26.08.1989, which is after a lapse of two years of her junior passed M.Ed., degree. Since the junior Indira Devi, who had acquired M.Ed., before the petitioner herein, was granted incentive increment and accordingly, her pay has been increased. Since the petitioner has acquired qualification much after her junior and further more, she has not submitted her application in the prescribed format within the time limit, the petitioner cannot claim pay anomaly. It is seen that the petitioner has retired in the year 2018 and after a lapse of two decades, the petitioner made a representation for pay anomaly, which is not sustainable and hence, no interference is warranted to the impugned order. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous petition is closed.

**13.12.2022**

Index : Yes/No  
Internet : Yes  
RR



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To  
The District Educational Officer,  
Sivakasi  
Virudhunagar District



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**M.DHANDAPANI, J.**

RR

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