



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.14729 of 2019
and

W.M.P (MD) No.11142 of 2019

Vasuki

... Petitioner

Vs.

1.The Director,
Tamil Nadu Elementary Education Department,
Chennai - 600 006.

2.The District Elementary Education Officer,
District Educational Office,
Thanjavur District.

3.The Assistant Elementary Education Officer,
Thiruvidaimaruthur,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.022801/I3/2014, dated 18.05.2015 and consequential order of the second respondent in his proceedings in Na.Ka.No.7663/AA1/2017, dated 29.01.2018 and to quash the same as illegal and consequently to direct the first respondent to refix the Petitioner's salary, within a time frame fixed by this Court.

For Petitioner

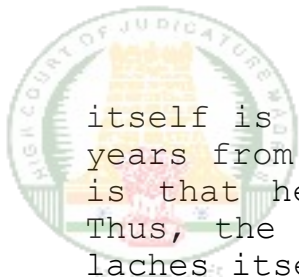
:Mrs.Jessy Dhanapriya Dharshini
for M/s.J.Jeyakumaran

For Respondents

:Mr.G.V.Vairam Santhosh
Addl. Govt.Pleader

O R D E R

The learned counsel for the petitioner vehemently contended that the rejection of the claim of the writ petitioner to step up the pay on par with her junior is erroneous. The petitioner is a retired Assistant Elementary Educational Officer. The writ petition



itself is filed at the age of 67 years and after a lapse of about 9 years from the date of retirement. The claim made by the petitioner is that her junior, while she was in service, getting more pay. Thus, the writ petition is liable to be dismissed on the ground of laches itself.

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2. Even on merits, the order impugned dated 18.05.2015 states that the writ petitioner was appointed on 21.06.1974 as Higher Grade Assistant in a Government School and the junior to the writ petitioner Thathar was appointed as Secondary Grade Teacher. In view of the fact that the senior and junior were appointed on different category, the petitioner cannot seek stepping up of pay based on the Fundamental Rule.

3. In view of the fact that the reasons stated in the order impugned is convincing and further, the writ petitioner has approached this Court after a lapse of several years, the writ petition stands dismissed both on merits and on the ground of laches. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Deputy Registrar (LA&MC)

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/ /2022

Sub Assistant Registrar(CS)

MPK

To

1.The Director,
Tamil Nadu Elementary Education Department,
Chennai - 600 006.

2.The District Elementary Education Officer,
District Educational Office,
Thanjavur District.

3.The Assistant Elementary Education Officer,
Thiruvidaimaruthur,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-9756[F] dated 03/03/2022)

W.P(MD)No.14729 of 2019

02.03.2022

RD(16.03.2022) 2P 5C

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