



W.P(MD)No.14308 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14308 of 2021

and

W.M.P.(MD)No.11231 of 2021

K.Saratha

... Petitioner

Vs.

1.The Commissioner of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The District Educational Officer,
Karur,
Karur District.

3.The Block Educational Officer,
Thanthoni Union,
Karur,
Karur 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 relating to the impugned order passed by the 3rd Respondent by his impugned proceedings in Oo.Mu.No.563/A1/2020 dated 01.03.2021 and quash the same as illegal and consequently to direct the respondents 1 and 2 to step up the pay of the petitioner on par with her junior in terms of order made in



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W.P.No.34455/2019 dated 06.01.2020 which was confirmed in W.A.No.178 of 2021 dated 18.03.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is presently working as Headmistress in Panchayat Union Middle School, Jallipatti, Thanthoni Union, Karur District. She seeks stepping up of pay on par with that of Mrs.V.Rajakumari. The writ petitioner's request was rejected by the impugned proceedings dated 01.03.2021. Questioning the same, this writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit of the writ petition.

4. His core argument is that the writ petitioner joined as Secondary Grade Teacher on 02.01.1990, whereas Mrs.V.Rajakumari joined service only on 25.06.1991. The petitioner completed her probation in the year 1992 itself, whereas Mrs.V.Rajakumari completed probation subsequently. The petitioner



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acquired B.Ed & M.A for which she was given incentive increment. Likewise, Mrs.V.Rajakumari had acquired B.Ed and M.A for which she was also given incentive increment. In any event, the petitioner and the said Rajakumari must be on par with each other. However, as on date, Mrs.V.Rajakumari is getting higher pay. As per the service rules, a senior is entitled to step up his or her pay on par with that of the junior. According to the learned counsel appearing for the petitioner, her request was unfairly and erroneously rejected by the authorities. He prayed for allowing the writ petition.

5. The respondents have filed a detailed counter affidavit. The learned Additional Government Pleader took me through its contents. According to the learned Additional Government Pleader, the impugned order is well founded and it does not call for any interference.

6. I carefully considered the rival contentions and went through the materials on record.

7. There is no dispute that the writ petitioner joined service earlier in point of time. However, the writ petitioner who joined in Kadavur Union got transferred on request basis to Thanthoni Union on 25.06.1993.



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Mrs.V.Rajakumari had originally joined in Paramathi Union and she also got transferred to Thanthoni Union on request basis. However, Mrs.Rajakumari had joined Thanthoni Union on 10.06.1992 itself. Thus, when the writ petitioner joined Thanthoni Union, Mrs.V.Rajakumari was already serving in the said Union. Mrs.Rajakumari had joined service on 25.06.1991 and her probation was declared to have been completed on 24.06.1993. In fact, in this regard, a mistake was committed and it was later rectified. It is well settled that when an employee obtains request transfer to another union, he or she is placed at the bottom of the seniority. To repeat, the petitioner joined Thanthoni Union only on 25.06.1993. Probation of Mrs.V.Rajakumari was declared with effect from 24.03.1996 itself. Therefore, the petitioner was placed below Rajakumari in the seniority list. The case of the petitioner is anchored on the claim that Rajakumrai is junior to her. Once it is seen that it is not so, her case is undermined.

8. The learned Additional Government Pleader has produced copy of the seniority list of the Secondary Grade Teachers working in Thanthoni Union as on 01.01.2003. Mrs.V.Rajakumari is figuring at Serial No.82. The writ petitioner/Mrs.K.Saratha is figuring at Serial No.85. There is yet another fortuitous circumstance. When the petitioner obtained B.Ed degree in 1996 and MA degree in 2001, during the relevant time, incentive increment given



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was rather nominal. On the other hand, when Rajakumari acquired B.Ed degree on 28.12.2011, incentive increment was substantial as it was made reference to the revised pay scale. Mrs.V.Rajakumari was lucky and was able to get higher incentive increment. She was already working in Thanthoni Union, when the writ petitioner joined service. When incentive increment was given to Rajakumari, it was higher. For these two reasons, the pay of Mrs.Rajakumari was placed at a higher level. The writ petitioner cannot have any legal grievance. The impugned order has been correctly passed. It does not call for any interference.

9. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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