



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

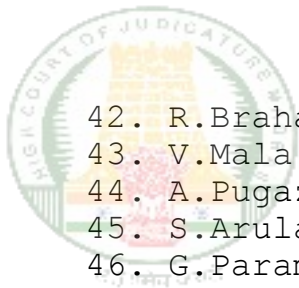
W.P. (MD)No.3966 of 2015

and

M.P. (MD)Nos.2 & 3 of 2015

WEB COPY

1. Ayyachamy
2. A.Sundararajan
3. A.Thambidurai
4. M.Joseph Antorex
5. K.Latha
6. S.B.Reji Benjamin
7. M.Revathi
8. S.Regina Mary
9. Zehra Parveen
10. J.Evelin Jenet
11. S.Stanlet Rajasekar
12. P.Kumar
13. K.Maruthanayagam
14. S.Paramaguru
15. P.Thangavel
16. S.Paulraj
17. C.Aruldass Naves
18. A.Samatharma Doss
19. K.Paulraj
20. A.Shanmugam
21. A.Jeyakumar
22. V.Xavier
23. S.Amalraj Kennedy
24. A.Soosai
25. I.James
26. R.Selvarethinam
27. R.Kalidasan
28. R.Gnana Sekar
29. S.James
30. R.Jeyalakshmi
31. M.Nagappan
32. A.Arul
33. K.Karunakaran
34. S.Pandimadevi
35. K.Manchan
36. R.James Arokiasamy
37. S.Ramachandran
38. R.Muthammal
39. K.G.Priya
40. S.Malathi
41. T.Sahaya Selvan



42. R.Brahannayaki
43. V.Mala
44. A.Pugazhenth
45. S.Arulananadam
46. G.Paramsivam

... Petitioner

vs

WEB COPY

1. The State of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat, Chennai.
 2. The State of Tamil Nadu
Represented by its Principal Secretary, School
Education Department, Secretariat, Chennai.
 3. The State of Tamil Nadu
Represented by its Principal Secretary, Finance
Department, Secretariat, Chennai.
 4. The State of Tamil Nadu
Represented by its Principal Secretary,
Personal Administration and Reforms Department,
Secretariat, Chennai.
 5. The Director of Elementary Education,
D.P.I Campus, College Road,
Chennai- 6.
- ... Respondents

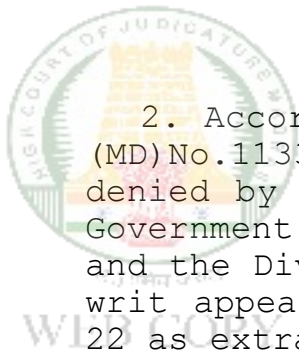
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the pertaining to G.O.Ms.No.23, Finance (PC)Department dated 12.01.2022 issued by the third respondent in so far as pay scale of the Middle School Headmaster and consequently direct the respondents to revise the pay scale of the petitioners.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.V.Omprakash
Government Advocate (Civil side)

O R D E R

This Writ Petition is filed challenging the impugned order passed in G.O.Ms.No.23, Finance (PC)Department dated 12.01.2022 issued by the third respondent in so far as pay scale of the Middle School Headmaster and consequently direct the respondents to revise the pay scale of the petitioners.



2. According to the petitioners, the issue was considered in W.P. (MD)No.11332 of 2011, dated 03.06.2014. However, the said fact was denied by the respondents stating that against the said order, the Government had preferred a writ appeal in W.A.(MD)No.1301 of 2014 and the Division Bench, vide order, dated 02.11.2015 has allowed the writ appeal. The relevant portion of the order in paragraph 21 and 22 as extracted hereunder:

"21. After having exercised the option to switch over to the administrative stream, knowing fully well the existence of pay anomaly, it was not open to the respondent to seek to set aside the Government Order. Therefore, we are of the considered view that the relief granted by the learned Judge with a positive mandamus, to fix the Assistant Elementary Educational Officer's grade pay over and above that of the post of Superintendent could not have been issued. Hence, the writ appeal is allowed and the order of the learned Judge is set aside and the writ petition is dismissed.

22. If any Pay Anomaly Commission has taken note of the existence of such pay anomaly and if the Government had passed an order in such cases, the present order allowing the writ appeal and dismissing the writ petition will not stand in the way of the respondent getting such benefits."

Recording the said judgment rendered in such writ appeal, this Court is also passing the same order with the observation as stated supra.

3. Hence, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To

1. The State of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat, Chennai.
2. The State of Tamil Nadu
Represented by its Principal Secretary, School
Education Department, Secretariat, Chennai.
3. The State of Tamil Nadu
Represented by its Principal Secretary, Finance
Department, Secretariat, Chennai.
4. The State of Tamil Nadu
Represented by its Principal Secretary,
Personal Administration and Reforms Department,
Secretariat, Chennai.
5. The Director of Elementary Education,
D.P.I Campus, College Road,
Chennai- 6.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-13651[F] dated 23/03/2022)

+1 CC to M/s.SPL GP (SR-13937[F] dated 23/03/2022)

W.P. (MD)No.3966 of 2015

21.03.2022

RD(19.04.2022) 4P 8C