



W.P.No.4493 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.4493 of 2018

A.Fareeda Begum

...Petitioner

-Vs-

- 1.The Government of Tamil Nadu,
Rep by its Secretary, School Education Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road, Chennai-600 006.
3. The Chief Educational Officer,
Saidapet, Chennai-600 015.
4. The District Educational Officer,
Chennai East, Chennai-600 002.
5. The Correspondent,
Murthuzaviya Oriental Higher Secondary School,
Triplicane, Chennai-5

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order of the 3rd respondent passed in his Proceedings O.Mu.No.8766/B3/2017 dated 23.01.2018 and quash the same and direct the respondents 1-4 to pay B.T.Assistant Scale of Pay to the petitioner from



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01.06.2006, Selection Grade B.T.Assistant Scale of Pay from 01.06.2016 after adjusting the salary paid as Secondary Grade Teacher with periodical pay revisions.

For Petitioner : Mr.P.Ebenezer Paul
For Respondents : Mr.R.Neelakandan
Addl.Advocate General
Assisted by
Mr.T.M.Rajangam
Govt.Advocate
For R.1 to R.4
For R.5 – No appearance

ORDER

To the request made by the petitioner, seeking for B.T.Assistant Scale of Pay, since she has acquired the qualification in accordance with the earlier order passed by this Court in W.P.(MD)No.14870 of 2010 dated 15.09.2014, the respondents have rejected the same through the impugned order dated 23.01.2018. The reason assigned in the impugned order is that the petitioner had not approached High Court for obtaining orders unlike the petitioner in W.P(MD)No.14870 of 2010.

2. The issue involved in the present writ petition is directly covered by various decisions of the Hon'ble Supreme Court, which has been extracted by a learned single Judge of this Court in W.P.(MD) No.14870 of 2010, dated



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15.09.2014. A perusal of the judgement in toto would reveal that it is not an order passed for that petitioner in that particular writ petition, but a judgement in rem. A ratio decidendi has been set therein, which covers the grievance of that petitioner. As such, the impugned order, rejecting the claim of the petitioner that she has not approached this Court, may not be sustainable.

3. The pendency before the Hon'ble Supreme Court is not the reason assigned in the impugned order. When many of the Teachers had the benefit of the order passed by this Court, depriving the petitioner of her claim, on the ground that a batch of writ petitions are pending before the Hon'ble Supreme Court, may not be proper.

4. In the light of the above findings, the impugned order dated 23.01.2018 passed by the third respondent is quashed and consequently, there shall be a direction to the respondents 1 to 4 to pay B.T.Assistant Scale of Pay to the petitioner from 01.06.2006, Selection Grade B.T.Assistant Scale of Pay from 01.06.2016 after adjusting the salary paid as Secondary Grade Teacher with periodical pay revisions within a period of four weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

SR

With the aforesaid direction, the writ petition stands allowed. No costs.

23.02.2023

Index:Yes/No

Internet:Yes/No

sr

To

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