



WEB COPY



W.P.No.17367 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 17367 of 2018
and W.M.P.No.20627 of 2018

S.Little Flower

... Petitioner

Versus

1.The State of Tamil Nadu,
Rep. By Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

2.The Director of Elementary Education,
College Road,
Chennai – 600 006.

3.The District Elementary Educational Officer,
Nagercoil District,
Nagercoil.

4.The Correspondent,
Dathie Nursery School,
Nagercoil.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 1st respondent in Government Letter (1D)No.720, dated 22.11.2017 and quash the same as illegal, incompetent and ultravires and consequently direct the 1st respondent to



W.P.No.17367 of 2018

allow the pay scale of Secondary Grade Teacher in the place of pay scale of Junior Secondary Grade Teacher from the date of the petitioner original appointment to the post of Nursery Teacher in Dathie Nursery School, Nagercoil.

For Petitioner : Mr.Singaravelan, Senior counsel
for Mr.R.Jayaprakash

For Respondents 1 to 3 : Mrs.Meera Arumugam
Additional Government Pleader

For Respondent 4 : No appearance

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 1st respondent in Government Letter (1D)No.720, dated 22.11.2017 and quash the same as illegal, incompetent and ultravires and consequently direct the 1st respondent to allow the pay scale of Secondary Grade Teacher in the place of pay scale of Junior Secondary Grade Teacher, from the date of the petitioner's original appointment to the post of Nursery Teacher in Dathie Nursery School, Nagercoil.

2. The case of the petitioner as stated in the affidavit filed in support of the writ petition is that she was selected for appointment as a Nursery



W.P.No.17367 of 2018

Teacher which is equivalent to Junior Secondary Grade Teacher, on merit, in Dathi Nursery school at Nagercoil, an aided minority school, recognised by the Government of Tamil Nadu. The petitioner joined the post on 22.09.2003. Thereafter, she was converted into a regular pay scale of Junior Secondary Grade Teacher with effect from 01.06.2006.

3. It is the grievance of the petitioner that she was denied regular pay scale of Secondary Grade Teacher though she was fully qualified to be appointed as a Specialist Teacher in the scale of Secondary Grade Teachers. The petitioner had filed a writ petition in W.P.No.42373 of 2016 seeking issuance of a writ of mandamus to direct the 1st respondent to allow the pay scale of the Secondary Grade Teacher. The said writ petition came to be ordered on 12.05.2017 with a direction to the 1st respondent to pass orders on the petitioner's representation dated 17.07.2015. Thereafter, the 1st respondent has passed an impugned order which is under challenge the above writ petition.

4. The 2nd respondent has filed a counter justifying the impugned order and the reasons assigned for the same. According to the 2nd respondent, the reliance placed on the G.O.Ms.No.172, School Education Department dated 31.10.2002, by the petitioner would apply only to teachers, who are teaching



W.P.No.17367 of 2018

1st and 2nd classes and not teachers who admittedly work in the nursery school at kinder garden level.

5. Heard the learned Senior Counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

6. It is brought to the notice of the Court that in so far as the writ petition No. 42373/2016, two similarly placed teachers approached this Court one being the petitioner and another being Mrs.M.Arulpramila. It is now informed that the other petitioner's case was considered favourably by the 1st respondent and she has been given all benefits with effect from 01.06.2006, as originally prayed for by her along with the petitioner herein. It is not known as to how when one of the two writ petitioners, who approached this Court has been given benefits and the other be denied the very same benefits especially when both the petitioners were similarly placed.

7. The learned Senior counsel for the petitioner had also filed an additional typed set of papers to establish the fact that the other petitioner in W.P.No.42373 of 2016 has been given all benefits as prayed for by the said



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W.P.No.17367 of 2018

P.B.BALAJI, J.

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To

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- 3.The District Elementary Educational Officer,
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