



WEB COPY



Writ Petition No.3563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3563 of 2023

T.Sumathi

W/o.R.Vimalanathan

...Petitioner

Vs

1.The Government of Tamil Nadu
represented by
Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

2.The Joint Director of School Education
(Secondary Education), College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.

4.The Head Master,
Government High School,
Ettikuttai, Pennagaram Taluk,
Dharmapuri District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 04.08.2022 with regard to extend the benefits of G.O.(4D) No.8, School Education (D2) Department



Writ Petition No.3563 of 2023

dated 08.03.2011, G.O.(4D) No.10, School Education (D2) Department
dated 09.03.2012 and G.O. (4D) No.6, School Education 6(2) Department
dated 15.12.2021 to the petitioner with effect from 17.12.2011.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.Ru.Dinesh Raj Kumar
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to consider the representation made by the petitioner on 04.08.2022 wherein the petitioner has sought for extension of benefits under G.O.(4D) No.8, School Education (D2) Department, dated 08.03.2011, G.O.(4D) No.10, School Education (D2) Department, dated 09.03.2012 and G.O. (4D) No.6, School Education 6(2) Department, dated 15.12.2021, with effect from 17.12.2011.

2. The case of the petitioner is that she was appointed as Secondary Grade Teacher on 10.09.1987 and thereafter, promoted as Elementary School Headmaster with effect from 22.07.1997. The petitioner was subsequently promoted as Middle School Headmaster on 18.04.2005 and



the scale of pay was fixed for the post of Middle School Headmaster with effect from 18.04.2005. The further case of the petitioner is that as per G.O.Ms.No.199, School Education Department, dated 07.12.2011, the Panchayat Union Middle School at Pennagaram Union was upgraded as Government High School. The petitioner was absorbed as BT Assistant in the same school and she joined duty in the said post on 17.12.2011. The scale of pay was also fixed in the ordinary grade for the post of BT Assistant.

3. The grievance of the petitioner is that she has served for nearly 35 years without any special grade scale of pay even though the petitioner had worked under various posts. According to the petitioner, to set right this anomaly, Government Orders were issued and pay protection was granted. Consequently, the petitioner is entitled for selection grade/special grade pay.

4. The further case of the petitioner is that a person, who was similarly placed, filed a writ petition before this Court in W.P.No.1378 of 2020 and based on the directions issued by this Court, the Government also issued G.O. (4D) No.6, School Education 6(2) Department, dated



15.12.2021 and gave the benefits. In view of the same, the petitioner made a representation to the respondents on 04.08.2022 seeking for similar relief.

Since the same was not acted upon, the present writ petition has been filed seeking for appropriate directions.

5. Heard Mr.V.Thirupathi, learned counsel for petitioner and Mr.Ru.Dinesh Raj Kumar, learned Additional Government Pleader, appearing for respondents.

6. Taking into consideration the facts and circumstances of the case and after carefully going through the relevant Government Orders, this Court is of the view that it will be fit and proper if a direction is issued to the second respondent to consider the representation made by the petitioner on 04.08.2022.

7. Accordingly, the second respondent is directed to consider the representation made by the petitioner on 04.08.2022 and deal with the same on its own merits and in accordance with the relevant Government orders and a decision shall be taken within a period of eight (8) weeks from the



Writ Petition No.3563 of 2023

date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with all relevant documents and also a copy of this order. A copy of the representation shall also be marked to the first respondent.

Accordingly, this Writ Petition is disposed of with the above direction.

No costs.

09.02.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

gm

To

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Joint Director of School Education
(Secondary Education), College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.
4. The Head Master,
Government High School,
Ettikuttai, Pennagaram Taluk,
Dharmapuri District.



WEB COPY



Writ Petition No.3563 of 2023

N.ANAND VENKATESH, J

gm

Writ Petition No.3563 of 2023

09.02.2023

(5/6)