



W.P.(MD)No.3154 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3154 of 2023

C.Fathima Mary

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by the Secretary to Government,
Education Department,
Fort St. George,
Chennai 600 009.

2.The Director of Elementary Education,
DPI Campus,
Chennai 600 006.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.



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4.The District Elementary Education Officer,
Nagercoil,
Kanyakumari District.

5.The Additional Assistant Elementary Educational Officer,
Kuzhithurai,
Kanyakumari District.

6.The Accountant General (A & D),
Tamil Nadu,
Chennai 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the petitioner's representations dated 11.08.2015 and 01.03.2016 by reckoning half of the service rendered by the petitioner as Secondary Grade Teacher in St. Joseph Middle School at Ambasamudram during the period between 18.06.1974 and 07.01.1977 in accordance with the G.O.(Ms.)No.408 dated 25.08.2009 and further grant the pay scale of Secondary Grade Teacher with effect from 10.01.1977, together with all arrears of pay and allowances and to re-fix the petitioner's pension with on this basis with all other consequential benefits in accordance with the judgments of this Court in W.P.Nos. 38449 and 38450 of 2006, dated 05.01.2010, within a time frame to be fixed by this Court.



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For Petitioner : Mr.R.Rajaraman
for M/s. P.V.S.Gridhar Associates
For R1 to R5 : Mr.J.Ashok
Additional Government Pleader
For R6 : Mr.P.Gunasekaran

ORDER

This writ petition has been filed for issuance of a writ of Mandamus, directing the 2nd respondent to consider and pass orders on the petitioner's representations dated 11.08.2015 and 01.03.2016, by reckoning half of the service rendered by the petitioner as Secondary Grade Teacher in St. Joseph Middle School at Ambasamudram during the period between 18.06.1974 and 07.01.1977, in accordance with the G.O. (Ms.)No.408 dated 25.08.2009 and further grant the pay scale of Secondary Grade Teacher with effect from 10.01.1977, together with all arrears of pay and allowances and to re-fix the petitioner's pension with all other consequential benefits, in accordance with the judgments of this Court in W.P.Nos.38449 and 38450 of 2006, dated 05.01.2010.



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2. The case of the petitioner is that she was appointed as Secondary Grade Teacher in St. Joseph Middle School, Ambasamudram on temporary basis in the year 1971. Thereafter, she was selected to the post of Elementary Grade Teacher. Therefore, she was relieved from St. Joseph Middle School, Mabasamudram on 07.01.1977 and joined as Elementary Grade Teacher in Government Primary School, Sivalogam, Kanyakumari District. Subsequently, she was transferred to Government Primary School, Vellamcode, Kanyakumari District on 15.11.1979. While so, elementary grade system was abolished and the post of Elementary Grade Teacher was upgraded as Secondary Grade Teacher. Therefore, she was upgraded as Secondary Grade Teacher on 01.09.1990 and retired from service on 28.02.2008 on superannuation. The petitioner was fully qualified for appointment to the post of Secondary Grade Teacher as on 10.01.1977. However, she was appointed as Elementary Grade Teacher. Hence, the petitioner has made several representations from 11.08.2015 seeking to grant the pay scale for the post of Secondary Grade Teacher with effect from 10.01.1977. Since the said representations have not been considered, the petitioner has filed the present writ petition.



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3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to consider the petitioner's representation dated 11.08.2015 and 01.03.2016 and pass appropriate orders, within a reasonable time as fixed by this Court.

4. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the fifth respondent.

5. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Elementary Grade Teacher in Government Primary School, Sivalogam, Kanyakumari District in the year 1977 and subsequently, she was upgraded as Secondary Grade Teacher in the year 1990 and retired from service in the year 2008. After a decade, the petitioner has made a representation as if she has to be appointed as Secondary Grade Teacher, however she was appointed as Elementary Grade Teacher. But, while in service she has not taken any steps to get monetary benefits on par with the Secondary Grade Teacher. Hence, no



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affirmative direction can be issued and the Writ Petition is dismissed on the ground of delay and laches. No costs.

16.02.2023

akv

To

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- 3.The Chief Educational Officer,
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M.DHANDAPANI,J.

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