



W.P.(MD)No.13568 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.13568 of 2020

- 1.A.Sankar
- 2.S.Appadurai
- 3.K.S.Prakasam
- 4.K.Murugesan
- 5.A.Thavamaniselvam
- 6.S.Balamurugan

- 7.Tamil Nadu Indainilai Aasiriyar Sangam,
Rep. by its General Secretary,
Mr.A.Sankar,
4/448, A.K.Nagar, Kanjirankal
Sivagangai District.

... Petitioners

Vs.

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Finance Department,
Fort St. George,
Chennai – 9.
- 2.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai – 9.
- 3.The Director of School Education,
DPI Compound,



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College Road,
Chennai – 600 006.

4.The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Compound, College Road,
Chennai – 600 006.

5.The Joint Director of School Education(Secondary),
Directorate of School Education,
DPI Compound, College Road,
Chennai – 600 006.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the scale of pay of the petitioners on par with the B.Ed., qualified Teachers/B.T.Assistants working in Government High Schools and Government Higher Secondary Schools who are taking classes for Standards VI to VIII with effect from 01.06.2006 with all consequential benefits in view of the judgment of the Honourable Supreme Court in *State of Punjab vs. Jagjit Singh* reported in AIR 2016 SC 5176 within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy, Senior Counsel for Mr.S.Rajasekar
For Respondents	: Mr.T.Amjad Khan, Government Advocate



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ORDER

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This writ petition has been filed to direct the respondents to revise the scale of pay of the petitioners on par with the B.Ed., qualified Teachers/B.T.Assistants working in Government High Schools and Government Higher Secondary Schools, who are taking classes for Standards VI to VIII with effect from 01.06.2006 with all consequential benefits in view of the judgment of the Honourable Supreme Court in ***State of Punjab vs. Jagjit Singh*** reported in ***AIR 2016 SC 5176*** within a specified period.

2. The case of the petitioners is that they are working as Secondary Grade Assistants in Government Higher Secondary Schools. As per G.O.Ms.No.79 School Education Department, dated 14.06.2002 and as per G.O.Ms.No.100 School Education Department, dated 27.06.2003, the Post of Secondary Grade Teacher taking classes for VI to VIII standards as Graduate Teachers to be filled up with B.Ed., qualified teachers and further, it was ordered that the post of B.T.Assistant Teacher is downgraded as Junior Grade Teacher on consolidated pay. Accordingly, several thousands of junior grade graduate teachers were appointed in



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High and Higher Secondary School to take classes for standards VI to VIII in the vacancy arose to the post of SGT, on upgradation of post. The period of service on consolidated pay as Junior Grade Teacher was fixed as five years from the date of initial appointment. However, subsequently, the Government issued orders in G.O.Ms.No.99 dated 27.06.2006 as per which, the consolidated pay Junior Grade Graduate Teachers have been brought into regular time scale of pay for the post of B.T.Assistant with effect from 01.06.2006 even before completion of five years of service as stipulated earlier. Under these circumstances, there are two sets of teachers taking classes for standards VI to VIII in High and Higher Secondary Schools in the State of Tamil Nadu namely Secondary Grade Teachers and B.Ed., qualified Teachers (B.T. Assistant) with different scale of pay. In order to step up the scale of pay of the petitioners on par with the B.Ed., qualified Teachers/B.T.Assistants, the petitioners made a representation on 27.11.2019 and the same was not considered. Hence, the petitioners have filed this writ petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioners would submit that it would suffice, if the second respondent, is directed to consider the representation of the petitioners, dated 27.11.2019, on merits and in accordance with law, within a specified period.

4. The learned Government Advocate appearing for the respondents, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent, to consider the petitioners' representation, dated 27.11.2019 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of.
No costs.

30.01.2023

pm
NCC:Yes/No
Index:Yes/No



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To:

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Chennai – 9.
- 2.The Principal Secretary to Government,
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Fort St. George, Chennai – 9.
- 3.The Director of School Education,
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M.DHANDAPANI, J.

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