



W.P.(MD) No.14884 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.14884 of 2020

Central Higher Secondary School
Kayalpatnam
Tuticorin District
Rep. By its Correspondent

... Petitioner

-VS-

1.The Director of School Education (HS)
College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Tuticorin District
Tuticorin.

3.The District Educational Officer,
Tuticorin District
Tuticorin.

4.A.Mohammed Mohideen

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records



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relating to the impugned proceedings of the 1st respondent in Na.Ka.No. 644/W5/E2/2020 dated 25.08.2020 and quash the same as illegal and consequently direct the 1st respondent to fix the time scale of pay for the 4th respondent with effect from 26.05.2003 and grant consequential payment of arrears along with interest within the period stipulated by this Court.

For Petitioner : Mr.M.E.Elango

For Respondents : Mr.J.Ashok for R1 to R3
Additional Government Pleader
No appearance for R4

ORDER

Challenge is made to the proceedings of the 1st respondent dated 25.08.2020 and for a direction to the 1st respondent to fix the time scale of pay for the 4th respondent with effect from 26.05.2003 and grant consequential payment of arrears along with interest.

2. The learned counsel for the petitioner would submit that the petitioner school was granted five posts of Post Graduate Assistants viz., Tamil, Commerce, Economics, History and Biology with effect from 01.06.1991, which were filled up and they were granted time scale of pay. While so, since one Syed Mohamed Sarbuddin, who was working as PG



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Assistant in Biology, got employment in Government Higher Secondary School, he was relieved and the said vacant post was converted into P.G.Chemistry as per the request made by the petitioner to the 2nd respondent and subsequently, one Syed Abdul Kader, who was working in the self financing stream, was appointed to the post of PG Chemistry (newly converted) and he has been granted time scale of pay. In the self financing stream, the 4th respondent has been appointed as PG Assistant Biology on 25.10.2000. However, by proceedings dated 13.09.2001 and 04.12.2001, 3 posts of PG in Chemistry, English and Physics were sanctioned. He would further contend that when the erstwhile post of PG Biology was already converted into PG Chemistry, for the newly sanctioned post of PG Chemistry, the petitioner made a request to convert the PG Chemistry to PG Biology. On the request made by the petitioner, the 1st respondent vide proceedings dated 26.05.2003, converted the said post to PG Biology. Subsequently, the 4th respondent, who was working in the self-financing stream, was appointed in the said post. However, 4th respondent has not been granted time scale of pay from 02.06.2003 to 31.05.2006 and from 01.06.2006, time scale of pay was granted. From the date of inception ie.,



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02.06.2003, he ought to have been granted time scale of pay. Since the same was not paid, the 4th respondent made representations to the official respondents. Since no action was taken, he filed writ petition before this Court, wherein, this Court directed the 1st respondent to consider the representation and pass orders. Pursuant to the same, the first respondent passed the impugned order.

3. The learned counsel would contend that when the post of PG Biology had already been converted to PG Chemistry as per the proceedings of the first respondent and subsequently, on request, in the newly sanctioned vacant posts, instead of PG Chemistry, the petitioner had sought for conversion of PG Chemistry to PG Biology and accordingly, the same was converted and in which place, the 4th respondent was accommodated and hence, the grant of time scale of pay ought to have been made from the year 2003. When that be so, the impugned rejection order, which is illegal, he contended. However, he restricted his prayer to the effect that it would suffice if a direction is issued to the official respondents to consider the representation of the petitioner.



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4. Heard the learned Special Government Pleader for the respondents 1 to 3 and perused the materials available on record.

5. In view of the facts and circumstances of the case and the limited relief now sought for, without interfering with the impugned order and in view of the limited relief sought for in this writ petition, this Court is inclined to pass the following order:

Liberty is granted to the petitioner to make a fresh representation to the first respondent, in detail, for claiming the monetary benefits from the year 2003 onwards, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent is directed to pass appropriate orders within a period of six weeks thereafter.

6. The writ petition is disposed of with the above direction. No costs.

08.02.2023



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NCC : Yes/No
Index : Yes/No

RR

To

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M.DHANDAPANI, J.

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