



W.P(MD)No.16979 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.16979 of 2023

M.Mathiarasan

...Petitioner

Vs.

1.The Principal Secretary to the Government,
Finance Department,
Chennai – 9.

2.The Principal Secretary to the Government,
School Education Department,
Chennai – 9.

3.The Director of Elementary Education,
DPI Campus,
Chennai -6.

4.The Joint Director of Elementary Education,
DPI Campus,
Chennai -6.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus directing the respondents to
revise the scale of pay of the petitioner by rectifying the the pay anomaly by



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way of granting selection grade of pay on par with the scale of pay of Primary School Headmasters which is granted to the Special Teachers working in the Higher Secondary Service within the time period stipulated by this Court.

For Petitioner : Mr. T. Aswin Rajasimman

For respondent : Mr.N. Ramesh Arumugam
Government Advocate

ORDER

This Writ Petition has been filed for issuing direction to the respondents to revise the scale of pay of the petitioner by rectifying the pay anomaly by way of granting selection grade of pay on par with the scale of pay of Primary School Headmasters which is granted to the Special Teachers working in the Higher Secondary Service within the time period stipulated by this Court.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. The petitioner was appointed as Craft Teacher / Vocational Instructor Agriculture on 01.10.1983. He was granted selection grade on 01.10.1993 and Special Grade on 01.10.2003 and on attaining the age of superannuation he retired from service on 31.10.2018. As far as Secondary Grade Teachers and Special Teachers in higher secondary schools are concerned they were provided with the benefit of selection grade on par with the primary school Headmasters as they do not have any promotional avenue in terms of the G.O.Ms.No.216, Finance Department, dated 22.03.1993. The said Government Order was duly extended to all the Secondary Grade teachers and Special Teachers in higher secondary schools vide G.O.Ms.No. 69, School Education Department, dated 18.04.2013, and Government Order in G.O.Ms.No.181, School Education Department, dated 06.09.2013. However, the said benefit is not extended to special teachers like the petitioner, who were working in the Panchayat Union Schools. Hence, the petitioner made a representation, dated 30.06.2023 seeking the respondents for re-fixation of his scale of pay by granting selection grade of pay on par with the scale of pay of Primary School Headmaster on 30.06.2023 and to revise the scale of the petitioner by rectifying the pay anomaly by way of granting selection grade of pay on par with the scale of pay of Primary School



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Headmasters which is granted to the Special Teachers working in the Higher Secondary Service. The said representation was not considered. Hence, he has come forward with the present Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. It is made clear that without going into the merits of this case, the respondents are directed to consider the representations of the petitioner, dated 30.06.2023 and thereafter, revise the scale of the petitioner by rectifying the pay anomaly by way of granting selection grade of pay on par with the scale of pay of Primary School Headmasters which is granted to the Special Teachers working in the Higher Secondary Service, within a period of twelve



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(12) weeks from the date of receipt of a copy of this order.

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6. With the above said direction, this writ petition is disposed of.

There shall be no order as to costs.

28.07.2023

Index : Yes / No

Internet : Yes/ No

trp

To

The Registrar.
Anna University,
Chennai.



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L.VICTORIA GOWRI, J.,

trp

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