



W.P.(MD)No.16283/2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.(MD)No.16283 of 2018
and
W.M.P(MD)No.14888 of 2018

T.Saroja

Vs.

... Petitioner

- 1) The State of Tamil Nadu
represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 2) The Director of School Education,
College Road, Chennai – 600 006.
- 3) The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4) The District Educational Officer,
Vallioor, Tirunelveli District.
- 5) The District Educational Officer,
Cheranmahadevi @ Tirunelveli,
Tirunelveli District.



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6) The Superintendent,
O/o. District Educational Office,
Cheranmahadevi @ Tirunelveli,
Tirunelveli District.

7) The Correspondent,
Holy Redeemer's Higher Secondary School,
Tisaiyanvillai – 627 657,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 6th respondent herein vide O.Mu.No.1708/Aa3/2017 dated .06.2017 (signed on 04.07.2017), quash the same and further direct the 3rd and 4th respondents herein to sanction personal pay of Rs.600/- to the petitioner in the cadre of Headmaster of Higher Secondary School w.e.f., 16.06.2008, in the light of the Government Letter No.27046/CMP/2011-12, dated 29.07.2011, by considering the proposal submitted by the 7th respondent school dated 02.05.2017.

For Petitioner	: Mr.A.Ajith Geethan
For R1 to R6	: Mr.J.Ashok Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned proceedings of the sixth respondent dated .06.2017 (signed on 04.07.2017) and to quash the same and consequently direct the respondents 3 and 4 to sanction personal pay of Rs.600/- to the petitioner in the cadre of Headmaster of Higher Secondary School w.e.f., 16.06.2008, in the light of the Government Letter No. 27046/CMP/2011-12, dated 29.07.2011, by considering the proposal submitted by the seventh respondent School, dated 02.05.2017.

2. The case of the petitioner is that she entered into service as Secondary Grade Teacher and promoted as Headmistress in the seventh respondent School on 16.06.2008. Her scale of pay was re-fixed with effect from 16.06.2008 and she has also received the personal pay of Rs. 600/- along with basic pay. As per Tamil Nadu Revised Scales of Pay Rules 2009, the pay scale was fixed by multiplying the existing basic pay as on 31.12.2005 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10. Hence, her personal pay of Rs.600/- was also



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multiplied with basic pay by a factor of 1.86 and rounded the personal pay as Rs.1120/- with effect from 16.06.2008. After retirement, the Government directed the petitioner to refund the total amount of personal pay received by her with effect from 16.06.2008, on the reason that the personal pay for Headmaster shall be permitted only who were promoted as Headmaster prior to 01.01.2006. She has also refunded the above said excess amount due to compulsion. Thereafter, she came to know that the personal pay of Rs.600/- without multiplying by a factor of 1.86 has been permitted for Headmaster, who were promoted before 01.06.2009 and not 01.01.2006, as per Government letter dated 29.07.2011. In this regard, the petitioner has made a representation to the seventh respondent School on 02.05.2017. The seventh respondent School also submitted the proposal on 02.05.2017, to the fifth respondent to regularise her scale of pay by adding personal pay of Rs.600/- with effect from 16.06.2008, as per her request dated 02.05.2017. The said request was rejected by the sixth respondent vide impugned order dated Nil.06.2017, on the ground that the person, who acquired promotion on or after 01.01.2006 is not entitled for personal pay. Challenging the same, the present writ petition



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has been filed.

3. The learned counsel appearing for the petitioner would submit that as per the proceedings of the Director of School Education dated 14.08.2014, the person, who promoted as Headmaster between 01.01.2006 to 31.05.2009, is entitled to get personal pay along with basic pay. The personal pay has to be merged with the basic pay with multiplier 1.86. However, in the present case, the impugned order was passed as if the petitioner was promoted as Headmistress after 2009, which is not sustainable one, since the petitioner was promoted as Headmistress in the year 2008. Hence, she is entitled to get personal pay along with basic pay and the same was not properly considered by the fifth respondent. Hence, against the proceedings of the Director of School Education, dated 14.08.2014, the present impugned order has been passed. Hence, he prayed for allowing this writ petition.

4. The District Educational Officer, Tirunelveli District, the fifth respondent herein has filed a counter stating that the petitioner was



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working as P.G.Assistant in the seventh respondent School. Thereafter, she was promoted as Headmistress on 16.06.2018. The petitioner has given her option for fixation of pay on 01.01.2006. As such, her pay was fixed in the category of P.G.Assistant on 01.01.2006, on the basis of pay drawn by her in that category. She is not eligible for any personal pay of Rs.600/- and the same was clearly stated in the Government letter that the personal pay drawn by the Headmasters of Higher Secondary Schools, who have joined in the post prior to or after 01.01.2006 shall be taken into account and the Headmasters promoted after 01.01.2006 and opted to come over to the revised scales of pay on the date of promotion prior to 01.06.2009 also entitled to have their pay fixed by taking into account the personal pay drawn by them in the pre-revised scales of pay. The petitioner has opted to come over to the revised scales of pay on 01.01.2006 itself ie., prior to the date of her promotion. Accordingly, her pay was fixed in the revised scales of pay in the category of P.G.Assistant. As such, the question of any personal pay does not arise. The petitioner has misconstrued the provisions entirely in a different way. Hence, he prayed for dismissal of this writ petition.



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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 6.

6. Admittedly, the petitioner entered into service as P.G.Assistant and thereafter, she was promoted as Headmistress on 16.06.2008. A perusal of the Government Letter dated 29.07.2011, makes it clear that the personal pay drawn by the Headmasters of High Schools and Higher Secondary Schools, who have joined in the above post prior to or after 01.01.2006 shall be taken into account for fixation of pay in the revised scale of pay as in the case of personal pay granted to other categories. As such, the individuals promoted as Headmasters of High Schools and Higher Secondary Schools on or after 01.06.2009 are not entitled for the personal pay in the revised pay structure. In view of the above clarification, the Headmasters promoted after 01.01.2006 and opted to come over to the revised scales of pay on the date of promotion prior to 01.06.2009 are also entitled to have their pay fixed by taking into account the personal pay drawn by them in the pre-revised scales of pay.



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The Director of School Education, by proceedings dated 14.08.2014, held that the person, who promoted as Headmaster between 01.01.2006 to 31.05.2009, is entitled to get personal pay along with basic pay. The said Letter was not properly considered by the fifth respondent. Hence, the proceedings of the District Educational Officer is liable to be set aside. Accordingly, the proceedings of the District Educational Officer, Cheranmahadevi, Tirunelveli District, dated .06.2017 is set aside and the respondents 4 and 5 are directed to hear the petitioner and pass appropriate orders, in terms of the Government Letter, dated 29.07.2011 and the proceedings of the Director of School Education, dated 14.08.2014. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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To

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- 2) The Director of School Education,
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- 3) The Chief Educational Officer,
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- 5) The District Educational Officer,
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- 6) The Superintendent,
O/o. District Educational Office,
Cheranmahadevi @ Tirunelveli,
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M.DHANDAPANI,J.

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