



W.P(MD)No.2307 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.2307 of 2016
and
W.M.P(MD)No.2027 of 2016

A.Jeyarani

... Petitioner

Vs.

1.The Secretary to Government,
Finance (Pay Cell) Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort.St.George,
Chennai - 600 009



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3.The Director of School Education,
Office of the Director of School Education,
Chennai - 600 006.

4.The Joint Director of School Education,
(Higher Secondary)
E.V.K.Sampath Building,
DPI Campus, Colleg Road,
Nungambakkam,
Chennai - 600 006.

5.The Chief Educational Officer
Tirunelveli District.

6.The Head Master
I.C.I. Government Boys Higher Secondary School,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the third respondent herein in Na.Ka.No.073422/L/E4/2015 dated 10.12.2015 and the consequent impugned order of the first respondent herein in Lr.No.44562/Finance



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(CMPC) Department/2015-2 dated 23.12.2015 quash the same and consequently direct the sixth respondent herein to rectify the pay anomaly of the petitioner with effect from 01.01.2008 on par with his junior and disburse the same together with interest at the rate of 12% per annum without any further delay.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.V.Nirmal Kumar,

Government Advocate

ORDER

This Writ Petition has been filed against the order of the third respondent in Na.Ka.No.073422/L/E4/2015 dated 10.12.2015 and for a consequential impugned order passed by the first respondent in Lr.No.44562/Finance (CMPC) Department/2015-2 dated 23.12.2015 and for a consequential direction to the sixth respondent to rectify the pay anomaly of the petitioner with effect from 01.01.2008 on par with his junior and disburse the same with interest at the rate of 12% per annum in the interest of justice.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3. The learned counsel for the petitioner submits that the petitioner is getting less salary than his juniors and accordingly, seeking to rectify the pay anomaly among the junior and senior in the same cadre. The petitioner made a representation to the respondents on 02.03.2015. As the representation is not considered, the petitioner filed a Writ Petition in W.P.(MD)No.10811 of 2015 before this Court. This Court by order, dated 24.06.2015, directed the respondents to consider the representation of the petitioner and to pass appropriate orders on merits and in accordance with law, after giving opportunity of hearing to the petitioner.

4. The learned counsel for the petitioner further submits that the respondents passed the impugned order, dated 23.12.2015 in



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compliance of the direction of this Court, wherein, it is stated that they rejected the claim of the petitioner, for the reason that, he has not secured seniority rank in the Teachers Recruitment Board Selection process. Aggrieved by the same, the present Writ Petition is filed.

5. The learned counsel for the petitioner contends that the respondents without examining the entire issue in proper perspective, basing on the information available with them, rejected the claim of the petitioner which is illegal and arbitrary and sought to allow the Writ Petition with consequential direction.

6. On the other hand, the learned Government Advocate appearing for the respondents, on instructions, submits that the impugned order is passed considering the representation and common orders of the Court in seven cases and out of seven cases, four cases are accepted and in three cases, the request was rejected. The petitioner's case is one of the case rejected by the respondents.



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7. The learned Government Advocate further submits that the petitioner herein did not submit the relevant documents / records before the respondents to examine his case positively and basing on the materials available with the respondents, the impugned order is passed rejecting the claim of the petitioner and as such, there is no infirmity or irregularity in the impugned order passed and sought to dismiss the Writ Petition.

8. Having heard the submissions of the respective counsels and on perusal of the materials available on record, it is an admitted fact that the petitioner made a representation to the respondents to rectify the anomaly between him and his juniors. This Court also in the earlier round of litigation directed the respondents to consider and pass appropriate orders in accordance with law on the representation of the petitioner.

9. In the light of the submissions of the learned Government Advocate that in the absence of relevant materials to be placed by the



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petitioner, the respondents passed the impugned order, it appears that if the petitioner placed the relevant documents or the materials before the respondents, they could have passed a positive order in favour of the petitioner, if the petitioner succeeds in satisfying the respondents with relevant materials.

10. In view of the same, to meet the interest of justice, it is appropriate to dispose of this Writ Petition without going into further merits of this case, with a direction to the petitioner to place the relevant materials to substantiate his claim before the respondents and to direct the respondents to take into consideration of the materials to be placed by the petitioner before them and pass orders afresh on the representation submitted by the petitioner.

11. For the reasons stated above, the Writ Petition is disposed of and the order impugned in this Writ Petition is quashed insofar as the petitioner is concerned, with the following directions :

- 1) The petitioner shall place all the relevant



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materials to substantiate his claim before the respondents within a period of two weeks from today.

2) On receipt of the relevant materials from the petitioner, the respondents are directed to consider the representation of the petitioner along with the materials placed by him and pass orders afresh by following due process of law within a period of four weeks thereafter.

3) No costs.

4) Consequently, connected miscellaneous petition is closed.

20.07.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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BATTU DEVANAND, J.

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