



W.P(MD)No.23497 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23497 of 2023

VR.Kalyani

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-9.
- 2.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Finance Department,
Secretariat, Chennai-9.
- 3.The State Project Director,
DPI Campus,
Chennai-6.
- 4.The Director of School Education,
O/o. The Directorate of School Education,
DPI Compound, College Road,
Chennai-6.
- 5.The Joint Director of School Education (Personnel),
The Directorate of School Education,
DPI Compound, College Road,
Chennai-6.



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6.The Chief Educational Officer,
O/o/ The Chief Educational Officer,
Pudukkottai,
Pudukkottai District.

... 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 refix the salary as per the 6th Pay Commission on par with the petitioner's batch mates for the year of 2008-2009 in terms of G.O.Ms.No.340 Finance Department, dated 26.08.2010 and in the light of order made in W.A.(MD).No.317 of 2023, dated 27.03.2023 and in the light of proposal submitted by the Supervisor, Block Resource Centre, Ponnamaravathi in his proposal, dated 11.04.2023 and by considering the petitioner's representation, dated 17.04.2023 within the period that may be stipulated by this Court.

For Petitioners : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a Block Resource Teacher Educator (BRTE) seeking a Mandamus to refix her salary as per the 6th Pay Commission on par with other batchmates, who were selected in the same selection year, namely 2008-09.



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2. According to the learned counsel appearing for the petitioner, the petitioner has undergone a selection process conducted by the Teachers Recruitment Board in the selection year 2008-09 and she was selected and appointed as a BRTE. Though all the candidates had undergone the same selection process in the year 2008-09, the appointment orders were issued in 3 batches, namely in September 2008, February 2009 and August 2009. The petitioner's appointment was made in August 2009 batch. According to the learned counsel appearing for the petitioner, since her appointment was after 01.06.2009, she lost her opportunity to the benefits of the 6th Pay Commission.

3. The learned counsel appearing for the writ petitioner further relies upon the judgment of the Division Bench of our High Court in ***W.A(MD)No.317 of 2023, dated 27.03.2023 (The Principal Secretary, Finance Department & Others Vs. R.Velsamy & Others)*** to impress upon the Court.

4. Though the prayer is for a positive Mandamus to refix the salary, on instructions, the learned counsel appearing for the writ petitioner submits that it would be suffice, if the 6th respondent is



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directed to forward the papers to the 1st respondent.

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5. In view of the limited prayer, without expressing any opinion on merits, this Court directs the 6th respondent to consider the representation of the petitioner, dated 17.04.2023 and forward the same to the 1st respondent herein within a period of six (6) weeks from the date of receipt of copy of this order for passing further orders on merits and in accordance with law.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

06.11.2023

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

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To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat, Chennai-9.



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O/o. The Directorate of School Education,
DPI Compound, College Road,
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- 5.The Joint Director of School Education (Personnel),
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- 6.The Chief Educational Officer,
O/o/ The Chief Educational Officer,
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Pudukkottai District.



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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.23497 of 2023

Dated:
06.11.2023