



W.P(MD)No.23524 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23524 of 2023

C.Pasuvathy

... 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,
Office of 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,
Office of 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 re-fix 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, Arimalam in his proposal, dated 11.04.2023 and by considering the petitioner's representation, dated 17.04.2023.

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

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a Block Resource Teacher Educator (BRTE) seeking a Mandamus to re-fix his salary as per the VIth Pay Commission on par with other batchmates, who were selected in the same selection year, namely 2008-2009.



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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 2008-2009 and he was selected and appointed as a BRTE. Though all the candidates had undergone the same selection process in the year 2008-2009, 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 his appointment was after 01.06.2009, he lost his opportunity to the benefits of the VIth Pay Commission.

3. The learned Counsel appearing for the writ petitioner further relies upon the judgment of the Hon'ble Division Bench of this 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



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it would be suffice, if the sixth respondent is directed to forward the papers to the first respondent.

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

6. With the above said direction, this Writ Petition stands disposed of.
There shall be no order as to costs.

08.12.2023

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



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R.VIJAYAKUMAR, J.

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