



WEB COPY



W.P.No.1150 of 2022 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.1150, 1153, 10535 & 10537 of 2023
and W.M.P.Nos.10479 & 10481 of 2023

W.P.No.1150 of 2023 :-

B.M.Bhupathi

Headmaster

Panchayat Union Elementary School,

GBR Kandigai, Pallipet Union,

Tiruvallur District.

... Petitioner

Vs

1. The District Elementary

Educational Officer,

Thiruvallur District,

Thiruvallur.

2. The Additional Assistant Elementary

Educational Officer,

Pallipat,

Thiruvallur District.

3. P.Arumugam

(R3 Dismissed as withdrawn vide

Order dated 12.01.2023 made in

W.P.No.1150 of 2023)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the



W.P.No.1150 of 2022 etc.

records of the first respondent with respect to impugned order vides Naa.Ka.No.246/Aa3/2022 dated 29.11.2022 and quash the same and consequently direct the respondents 1 & 2 to step up they pay of the petitioner on par with his junior Arumugam as per law.

For Petitioner : Mr.L.Chandrakumar
For Respondents
For R1 & R2 : Mrs.S.Mythreye Chandru
Special Government Pleader

W.P.No.1153 of 2023 :-

N.Babu
Headmaster
Panchayat Union Elementary School,
Sanakuppam, Pallipet Union,
Tiruvallur District.

... Petitioner

Vs

1. The District Elementary
Educational Officer,
Thiruvallur District,
Thiruvallur.
2. The Additional Assistant Elementary
Educational Officer,
Pallipat,
Thiruvallur District.
3. P.Arumugam
(R3 Dismissed as withdrawn vide
Order dated 12.01.2023 made in
W.P.No.1153 of 2023)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the



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records of the first respondent with respect to impugned order vides Naa.Ka.No.246/Aa3/2022 dated 29.11.2022 and quash the same and consequently direct the respondents 1 & 2 to step up they pay of the petitioner on par with his junior Arumugam as per law.

For Petitioner : Mr.L.Chandrakumar
For Respondents
For R1 & R2 : Mrs.S.Mythreye Chandru
Special Government Pleader

W.P.No.10535 of 2023 :-

R.Maharajan
Headmaster
Panchayat Union Elementary School,
Nagampandal,
Andimadam Block,
Ariyalur District.

... Petitioner

Vs

1. The District Elementary
Educational Officer,
Ariyalur.
2. The Block Educational Officer,
Andimadam,
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in A.Thee.Moo.No.149/A5/2021 dated 18.06.2021 and consequential proceedings Na.Ka.No.013/A1/2021 dated 15.07.2021 of the second respondent and quash the same and consequently direct the respondent to step up the pay of the petitioner on



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pay with his junior R.Rajeswari without reference to the fact that the petitioner has been transferred from one Panchayat Union to another as per the law laid down by this Court in W.A.No.78 of 2021 by its order dated 09.04.2021 and W.A.No.178 of 2021 by its order dated 18.03.2021.

For Petitioner : Mrs.Dakshayani Reddy
Senior Counsel
For Ms.Suneetha

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

W.P.No.10537 of 2023 :-

S.Selvaraj
Headmaster
Panchayat Union Elementary School,
Vaavanam
Andimadam Block,
Senthurai Educational District,
Ariyalur District.

... Petitioner

Vs

1. The District Elementary
Educational Officer,
Ariyalur District.
2. The Block Educational Officer,
Andimadam,
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in A.Thee.Moo.No.144/A5/2021 dated 18.06.2021 and consequential proceedings Na.Ka.No.015/A1/2021 dated



W.P.No.1150 of 2022 etc.

15.07.2021 of the second respondent and quash the same and consequently direct the respondent to step up the pay of the petitioner on pay with his junior R.Rajeswari without reference to the fact that the petitioner has been transferred from one Panchayat Union to another as per the law laid down by this Court in W.A.No.78 of 2021 by its order dated 09.04.2021 and W.A.No.178 of 2021 by its order dated 18.03.2021.

For Petitioner : Mrs.Dakshayani Reddy
Senior Counsel
For Ms.Suneetha

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the orders dated 29.11.2022 & 18.06.2021, passed by the first respondent, thereby rejected the request made by the petitioners to step up the pay of the petitioners on par with their respective juniors.

2. All the petitioners had joined as Secondary Grade Teacher and subsequently promoted to the post of Headmaster. The juniors of the petitioners, who were promoted much later than the petitioners, drawing higher salary than the petitioners. Therefore, the petitioners submitted representation to the respondents to step up their pay on par with their



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juniors. Since the same was not considered, the petitioners in W.P.Nos.

1150 & 1153 of 2022 approached this Court and this Court by an order dated 17.02.2021 in W.P.No.4324 of 2015, directed the first respondent to consider the representation submitted by the petitioners in the light of the recommendation of the second respondent dated 21.03.2014, within a period of eight weeks from the date of receipt of a copy of this Order. However, the first respondent rejected the request made by the petitioners and hence the present writ petitions.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The first respondent filed counter and on the submission made by the learned Special Government Pleader appearing for the respondents revealed that the petitioners were transferred from one unit to another unit on their own request. As per the government order in G.O.Ms.No.1383, Education (POS-1) Department, dated 23.08.1988, the government enacted Special Rules for the Tamil Nadu Elementary Educational Subordinate Service. As per the Rule 9, unit for appointment



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or discharge of reappointment, for the purpose of appointment as full member, re-appointment or discharge in different categories, each panchayat union shall be a unit.

5. In order to rectify the pay another, the Director of Elementary Education, by an order dated 11.08.2016, has issued the following guidelines :-

“(i) In Elementary Education Department, a Panchayat Union is treated as a unit. Hence, teachers appointed in the same union may be considered for fixing the anomaly when junior getting more pay than senior.

(ii) There is no provision in rules, if the teachers transferred from one union to another union and they cannot compare teachers already appointed in the union for the anomaly of junior getting more pay than senior.

(iii) The teachers working in the transferred union for the anomaly of junior getting more pay than seniors, as against the above said guidelines, any orders have been passed by the officers, disciplinary action shall be taken against the erring Assistant Elementary Education Officers and District Education Officers.”

6. However, the juniors to the petitioners were already



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transferred from their deviation that too much later than the petitioners.

Therefore, without considering the above and also without following the above guidelines, the first respondent mechanically rejected the claim of the petitioners. Therefore, the impugned orders cannot be sustained and liable to be quashed.

7. Accordingly, the impugned orders dated 29.11.2022 & 18.06.2021 passed by the first respondent are hereby quashed. The matter is remanded back to the first respondent for fresh consideration. It is made clear that the first respondent shall consider the claim of the petitioners depends upon their eligibility and other criteria and to rectify the pay anomaly between the petitioners and their respective juniors, within a period of six weeks from the date of receipt of a copy of this Order.

8. With the above directions, all the writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

16.07.2024

Index : Yes/No

Speaking/Non Speaking order



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Neutral Citation : Yes/No
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WEB COPY To

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Educational Officer,
Thiruvallur District,
Thiruvallur.
2. The Additional Assistant Elementary
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3. The Block Educational Officer,
Andimadam,
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