



W.P.No.5880 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.5880 of 2021

B.V.Govindappa

... Petitioner

Vs.

1.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus,
College Road, Chennai 600 006.

2.The Chief Educational Officer,
Krishnagiri District,
Krishnagiri.

3.The District Educational Officer,
Hosur Educational District,
Hosur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 2nd respondent in O.Mu.No.2668/A3/2019 dated 15.09.2020 and quash the same as illegal, incompetent and ultravires and consequently, direct the respondents to give the petitioner selection grade pay for the post of B.T.Head Master and to revise the petitioner's pay of scale to the post of Block Educational Officer from 02.06.2020.

For Petitioner : Mr.C.S.Srinivasan



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For Respondents : Mr.T.Rajendran, AGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 2nd respondent in O.Mu.No.2668/A3/2019 dated 15.09.2020 and quash the same and consequently, direct the respondents to give the petitioner selection grade pay for the post of B.T.Head Master and to revise the petitioner's pay of scale to the post of Block Educational Officer from 02.06.2020.

2. Heard Mr.C.S.Srinivasan, learned counsel for the petitioner and Mr.T.Rajendran, learned Additional Government Pleader for the respondents.

3. The petitioner has been appointed as Secondary Grade Assistant on 01.08.1997. He was promoted to the post of Secondary Grade Head Master on 21.06.2003. He got promoted as B.T.Head Master on 31.05.2010. The petitioner was promoted further to the post of Block Educational Officer on 02.08.2018. According to the petitioner, those



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officers who were working in the cadre of B.T.Head Master for more than ten years without promotion are entitled to get selection grade pay.

4. The learned counsel for the petitioner submitted that the petitioner was not given with the pay applicable to Block Educational Officer and neither he was given with selection grade pay. The attention of this Court was drawn to G.O.Ms.No.19 dated 07.02.2019, wherein, it is stated that the post of Block Educational Officer can be considered as promotional post from the feeder cadre B.T.Head Master and as per the pay matrix for 7th pay commission in Level No.17 to 18, the starting pay for Block Educational Officer can be increased from 36700 to 36900. So the pay band for Block Educational Officer is fixed as 36900 – 1,16,600. In the impugned order dated 15.09.2020, the request of the petitioner seeking to sanction selection grade pay in the cadre of B.T.Head Master was rejected.

5. The learned Additional Government Pleader for the respondents submitted that the petitioner who has been promoted to the post of Block Educational Officer cannot count the services that he rendered in the



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promotional cadre along with his services rendered as B.T.Head Master for the purpose of awarding selection grade and the second respondent has rightly rejected the request of the petitioner.

6. Though it is right for the second respondent to state that the petitioner is not entitled to get selection grade pay in B.T.Head Master post in view of his promotion in the cadre of Block Educational Officer with effect from 02.08.2018, he will be entitled to get the pay commensurate to the post of Block Educational Officer as per G.O.Ms.No.19 dated 07.02.2019. It appears that the petitioner had wrongly construed the implication of G.O.Ms.No.19 and made a request to fix selection grade pay for B.T.Head Master even though he got promoted to the post of Block Educational Officer before completion of 10 years of service in the cadre of B.T.Head Master. In fact in the impugned order itself it has been stated that as per G.O.Ms.No.19 dated 07.02.2019, the petitioner's pay can be fixed in the pay matrix Level No.18 at Rs.36,900 – Rs.1,16,600 for the cadre of Block Educational Officer. However the petitioner is entitled to get the said scale of pay from the date he got promoted to the post of Block Educational Officer



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and not from the date of issuance of the Government Order in G.O.Ms.No.19 dated 07.02.2019. Because the whole object of the Government Order itself is to consider the post of Block Educational Officer as promotional post and hence, the pay applicable to the said post will be only with effect from the date on which a person got promoted to the post of Block Educational Officer. To this limited extent, the respondents has to pass appropriate orders by modifying the impugned order dated 15.09.2020, within a period of six weeks.

7. In the result, this Writ Petition is disposed and the respondents are directed to fix the scale of pay for the petitioner in the cadre of Block Educational Officer from the date he got promoted to the said post and pass appropriate orders along with monetary and other attendant benefits, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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To

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