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W.P.No.25442 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.25442 of 2021

K.Poongkodi
Petitioner

...

Vs.

1. Government of Tamilnadu
Represented by its Secretary
School Education
Fort St George,
Chennai 600 009.

2. The Commissioner School Education,
DPI Campus Chennai 600 006.

3. Joint Director (Personnel)
School Education,
DPI Campus Chennai 600 006.

4. The Chief Educational Officer,
Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents herein to grant Petitioner pay protection of the last drawn pay in the post of Secondary Grade Teacher and



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accordingly fix the salary of the Petitioner in the post of PG Assistant.

For Petitioner : Ms.Shivanisree S.V.
For Suneetha

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader for RR1 to 4

ORDER

Heard, Ms.Shivanisree S.V., learned counsel for the petitioner, Mr. P. Gurunathan, learned Additional Government Pleader for the respondents 1 to 4 and perused the materials available on record.

2. The petitioner has filed a writ of mandamus directing respondents to grant Petitioner pay protection of the last drawn pay in the post of Secondary Grade Teacher and fix the salary of the Petitioner in the post of PG Assistant.

3. The petitioner has joined in service as Secondary Grade Teacher on 08.12.2006 in response to the notification to the post of P.G. Assistant and by utilizing the 10% reservation for the Secondary Grade Teachers. The petitioner had applied to the post and got selected as P.G. Assistant. However, the petitioner is treated as new entrant and hence, the petitioner has filed this writ of mandamus seeking pay protection along with continuous service.



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4. Mr.P. Gurunathan, learned Additional Government Pleader for the respondents 1 to 4 submitted that as per Ruling 6 of FR 22 B the petitioner can only be treated as a new entrant as she had been selected through direct recruitment for the post of P.G. Assistant. The petitioner could have been aware of the fact that if she had been selected through direct recruitment against 10% reservation for the post of P.G. Assistant she cannot claim any higher pay than the pay for which the new entrants of the P.G. Assistant post are entitled to.

5. For the sake of convenience and understanding the Ruling 6 of FR 22 B is extracted as under:

“(6) When the pay of a post is changed, but not its duties and the old pay is split up into pay and special pay, the initial pay fixed for the holder of the post under the new scale, both pay and special pay should, under clause (1) (a) (ii) of the rule, not exceed his old pay. Thus an officer on Rs. 450 whose post is changed into one on Rs. 350-25-500 plus Rs. 100 special pay should get Rs. 350 plus Rs. 100 special pay and not Rs. 450 plus Rs. 100 special pay.”

6. In view of the above the petitioner only can be treated as a new recruitment for new service. Except for the benefit of availing 10% reservation earmarked for senior grade teachers against the vacancies in the P.G. Assistant,



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the petitioner is not entitled to any other benefits as claimed by her in the matter of pay or otherwise.

In the result, this Writ Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2024

Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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To

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1. The Director of Elementary Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Nagapattinam,
Nagapattinam District.
3. The Assistant Elementary Educational Officer,
Vedaranyam, Nagapattinam District.
4. The Secretary,
Vinayakar Aided Primary School,
Pandarathankadu, Pushpavanam Post,
Vedaranyam Taluk,
Nagapattinam District.



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R.N.MANJULA,

jrs

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