



W.P.(MD).No.3273 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.02.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.3273 of 2024**

Paul Valanarasu

... Petitioner

Vs.

1.The District Elementary Educational  
Officer,  
O/o.The District Elementary Educational  
Office,  
Paramakudi,  
Ramanathapuram District.

2.The Block Educational Officer (BEO-2),  
O/o. The Block Educational Officer  
(BEO-2),  
Paramakudi Block,  
Ramanathapuram 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 1<sup>st</sup> respondent to direct the 2<sup>nd</sup> respondent to refix the scale of pay of the petitioner by taking into account the last pay drawn by the petitioner in the post of Secondary Grade



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Teacher in the Aided Schools, in the R.C. Susai Higher Secondary School, Kalugumalai, from the period 01.08.2001 to 14.06.2007 and R.C.Primary School, Meenampatti, Sivakasi, from the period 15.06.2007 to 11.03.2010 by considering the representation dated 06.12.2023 within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajaskar

For Respondents : Mr.N.Ramesh Arumugam,  
Government Advocate (CIVIL)

### **ORDER**

The present writ petition has been filed seeking direction to the 1<sup>st</sup> respondent to direct the 2<sup>nd</sup> respondent to re-fix the scale of pay of the petitioner by taking into account the last pay drawn by the petitioner in the post of Secondary Grade Teacher in the Aided Schools, in the R.C. Susai Higher Secondary School, Kalugumalai, from the period 01.08.2001 to 14.06.2007 and R.C.Primary School, Meenampatti, Sivakasi, from the period 15.06.2007 to 11.03.2010 by considering the representation dated 06.12.2023.



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2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner joined the R.C. Susai Higher Secondary School Kalugumalai which is a private aided minority school on 01.08.2001 in the post of the Secondary Grade Teacher. Since the authorities had failed to approve his appointment, he was constrained to file a writ petition in W.P. 29037 of 2005 seeking to approve his appointment in the said school. In the meanwhile, he was relieved from the said school on 14.06.2007 and was appointed on 15.06.2007 in a sanctioned post in R.C. Primary School, Sivakasi which is also a private aided minority institution in the post of Secondary Grade Teacher. In the meanwhile, vide order, dated 24.04.2008, this Court directed the respondents to approve his appointment in the post of Secondary Grade Teacher in R.C. Susai Higher Secondary School, Kalugumalai.



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(ii) Thereafter, the petitioner was relieved from the R.C.Primary School, Sivakasi on 11.03.2010, since he was recruited by the Teacher recruitment Board and he was appointed on 12.02.2010 in the post of the Secondary Grade Teacher at the Panchayat Union Primary School, Siruvayal West Nainarkovil, Ramnad. Following the orders of this Court in W.P.No.29037 of 2005, dated 24.04.2008, the education authorities has duly sanctioned his appointment in R.C. Susai Higher Secondary School Kalugumalai for the period from 01.08.2001 and relying the same, his reliving order came to be issued on 15.09.2010. Thereafter, he was transferred and was posted at Panchayat Union Primary School Enathikootai Paramakudi block, Ramnad District in the same post. Thereafter, since his appointment from 01.08.2001, there was no break in service. He was enrolled with the old pension scheme and accordingly his pay was also deducted for the said purpose. Further, she acquired a selection grade on 09.04.2010 and special grade on 25.05.2022. Though the selection grade and special grade were granted and he was appointed originally from 01.08.2001, his salary was not fixed. Hence, he made a representation dated 06.12.2023 seeking to refix the scale of pay with effect from 01.08.2001. Since



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the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate (CIVIL) appearing for the respondents. Carefully perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. It is made clear without going into the merits of this case that this Court hereby direct the respondents to consider the representation of the



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petitioner dated 06.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

**14.02.2024**

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

To

- 1.The District Elementary Education  
Officer,  
O/o.The District Elementary Educational  
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Paramakudi,  
Ramanathapuram District.
- 2.The Block Educational Officer (BEO-2),  
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**L.VICTORIA GOWRI, J.**

Sml

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