



W.P.(MD)No.5435 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.5435 of 2024 &
W.M.P.(MD)No.5204 of 2024

C.Jansi Selvarani

... Petitioner

VS.

1.The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort. St.George, Chennai – 600 009.

2.The Director of School Education,
DPI Campus, Chennai – 600 006.

3.The District Educational Officer,
Virudhunagar District, Virudhunagar.

4.The Headmaster,
The Government Higher Secondary School,
Sithu Moondruadaippu,
Virudhunagar 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 impugned order in Na.Ka.No.30/2023 dated 21/06/2023 on the file of the fourth respondent and quash the same and further direct the



W.P.(MD)No.5435 of 2024

respondents to refix the salary of the petitioner on the basis of the last pay drawn as on 31/08/2011.

For Petitioner : Mr.K.Vinoharan
For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

O R D E R

Heard Mr.K.Vinoharan, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

2. This writ petition has been filed seeking for writ of certiorarified mandamus to call for the records in Na.Ka.No.30/2023 dated 21/06/2023 on the file of the fourth respondent and quash the same and to direct the respondents to refix the salary of the petitioner on the basis of the last pay drawn i.e., 31/08/2011.

3. The petitioner was working as a BT assistant in a private school from the year 2011. Thereafter, she participated in the selection



W.P.(MD)No.5435 of 2024

WEB COPY

process for the post of BT assistant at a Government School, got selected and joined in the School on 23.09.2011. By taking into consideration her previous service in the aided school, she was given selection grade increment on 07.06.2017. However, her pay was not refixed on the basis of last pay drawn in the aided school and the representation of the petitioner in this regard was rejected on 09.12.2022 without stating any reasons.

4. Mr.K.Vinoharan, learned counsel for the petitioner submitted that though it is stated that the petitioner is not entitled to any pay protection as she has been serving in a private school prior to her appointment in the Government School, on previous occasions, orders have been passed and pay protection has been given for similarly placed persons.

5. One such proceedings of the Corporation Educational Officer, Madurai Corporation has been produced before this Court. It is seen from the proceedings that the pay has been refixed by taking into



W.P.(MD)No.5435 of 2024

consideration the the previous service rendered by the individual in a private school. Further, in the impugned order, the respondents have not stated any reason for rejecting the representation of the petitioner.

6. Considering the fact that, on previous occasions, for the similarly placed persons, pay has been fixed on the basis of last pay drawn and the fact that representation of the petitioner was rejected without assigning any reasons, the impugned order in Na.Ka.No.30/2023 dated 21/06/2023 is quashed. The writ petition is therefore allowed. The fourth respondent is directed to reconsider the matter in the light of the earlier similar benefits given to other individuals and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

01.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi



W.P.(MD)No.5435 of 2024

To
WEB COPY

- 1.The Secretary,
School Education Department,
Fort. St.George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, Chennai – 600 006.
- 3.The District Educational Officer,
Virudhunagar District, Virudhunagar.
- 4.The Headmaster,
The Government Higher Secondary School,
Sithu Moondruadaippu,
Virudhunagar District.



WEB COPY



W.P.(MD)No.5435 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.5435 of 2024

01.04.2024