



W.P.(MD)No.8095 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.8095 of 2021

and

W.M.P.(MD)No.6183 of 2021

A.Murugesan

: Petitioner

Vs.

1.The Joint Director of School Education (Personnel),

College Road,

Chennai – 600 006.

2.The Chief Educational Officer,

Ramanathapuram,

Ramanathapuram District.

3.The District Elementary Officer,

Mandapam @ Ramanathapuram,

Ramanathapuram District.

4.The Headmaster,

Government High School,

Valinokkam – 623 528,

Ramanathapuram District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned condition No.2 in proceedings in Na.Ka.No.68683/C3/E2/2014 dated 25.09.2014 issued by the first respondent herein and consequently proceedings issued by the second respondent herein vide proceedings in O.Mu.No. 6004/Aa5/2020 dated 27.10.2020, quash the same and further direct the second respondent herein to regularize the petitioner's salary in B.T. Assistant cadre as per Rule 22-B of the Fundamental Rules by taking Secondary Grade Teacher service period rendered by the petitioner in Government Schools.

For Petitioner : Mr.E.V.N.Siva
for Mr.A.Ajith Geethan
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The issue involved in this writ petition is as to whether the employee who was working in a Government school resigns and thereafter joins another government school would be still entitled for all the service benefits that he had carried on in the erstwhile school.



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2.In the case on hand, the petitioner was earlier working in a Government school and he was granted selection grade, after completing 10 years of service and thereafter, he joined Government High School, Maruthavanam as B.T.Assistant on 04.12.2014, pursuant to an order dated 25.11.2014 and the said school is also a government school. However under the impugned order, the date of appointment of the petitioner in the government school ie., on 04.12.2014 has alone been taken into consideration for the purpose of giving effect to the petitioner for fixing the scale of pay.

3.The law is now well settled as laid down by the various decisions of this Court that when an employee of an aided school / government school resigns from the post for the purpose of joining another government school, he would be entitled for all the service benefits that he had carried in the erstwhile school and consequently, he would also be entitled for revision of pay scale in the new school by counting past services.

4.However, contrary to the well settled law as laid down by various decisions of this Court, the impugned order has been passed by stating that the petitioner's past service in the government school will not be considered to award special grade and he will also not be entitled for service benefits that he had carried in the erstwhile



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aided school. In view of the total non-application of mind to the well settled law by the respondent under the impugned orders dated 25.09.2014 and 27.10.2020, the same will have to be quashed by this Court and the writ petition will have to be allowed.

5. Accordingly, the impugned orders dated 25.09.2014 issued by the first respondent insofar as Condition No.2 is concerned and the impugned order dated 27.10.2020 passed by the second respondent are hereby quashed and the writ petition is allowed, by directing the respondents to revise the scale of pay of the petitioner in the cadre of B.T. Assistant with effect from 04.12.2014, with all consequential benefits within a period of eight [8] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.09.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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