



WP(MD). No.12711 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 14/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.12711 of 2024 and
WMP(MD) No.11301 of 2024

K.Parameswaran Nair

... Petitioner

Vs

1. The Secretary to Government,,
School Education Department,
Secretariat,
St. George Fort,
Chennai.

2. The Director of School Education,
Higher Secondary Department,
College Road,
Nungambakkam,
Chennai 6.

3. The Chief Educational Officer,
Kanyakumari District,
At Nagercoil.

4. The District Educational Officer,
Marthandam, Kanyakumari District.

5.The Correspondent,,
Aided Higher Secondary School
Mottakkala, Edaicode Post,
Kanyakumari District.

... Respondents

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PRAYER :-) Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 4th respondent pertaining to its proceeding in Oo.mu.No. 3883/ A4/ 2023 dated 22.11.2023 and to quash the same and consequently directing the respondents to fix the scale of pay of the petitioner on completion of 30 years from 2021 with the Superintendent by considering the request dated 01.08.2023.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Siddharthan

ORDER

The petitioner has filed this writ petition challenging the impugned order of the 4th respondent dated 22.11.2023 and direct the respondents to fix the scale of pay on completion of 30 years of service from 2021 as Superintendent by considering his request dated 01.08.2023.

2. The petitioner joined as Junior Assistant in the 5th respondent school on 01.06.1991. He was given with selection grade from 2001 and on completion of 20 years of service, the petitioner is entitled to be promoted to the post of Superintendent or atleast the scale of pay is to be



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fixed on par with the scale of Superintendent. Since the petitioner's representation given in this regard has been rejected on the observation that those persons, who are appointed as Junior Assistant and who do not have the avenues for promotion, have been given with selection grade and special grade and other increments and they cannot claim the pay scale of Superintendent, unless the school has got a post in that cadre and the individual is promoted to the same.

3. Admittedly, the school, where the petitioner works does not have the sanctioned post in the cadre of Superintendent.

4. The learned Additional Government Pleader submitted that the petitioner has claimed parity with those persons, who are working in the cadre of Superintendent in the Government schools. The petitioner knowing pretty well that his service condition like promotion in the private aided school will be confined only to the post, for which, the school has been given with sanction, has pinned there.



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5. Had the petitioner moved to any Government Schools subsequently by participating in any recruitment and getting selected in any of the Government schools, then, it would have been possible for him to get promoted to the post of Superintendent, if the post is available and get the scale fixed in the cadre of Superintendent.

6. When the petitioner is working in a private aided school, which does not have the post of Superintendent and the school authority also did not to get a post of Superintendent sanctioned, the petitioner, as a matter of right, cannot claim his pay to be fixed in the cadre of Superintendent, just because he has completed 30 years of service in the cadre of Junior Assistant.

7. The petitioner has filed this writ petition without any legal entitlement and hence, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

14.06.2024

RR

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TO

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R.N.MANJULA,J

RR

**ORDER
IN
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