



W.P.(MD) No.14574 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.14574 of 2021

M.Xavier Bright

... Petitioner

Vs.

1.The District Educational Officer,
Thuckalay, Kanyakumari District.

2.The Block Educational Officer,
Collachel, Kanyakumari 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 relating to impugned proceedings of the 2nd respondent in Na.Ka.No. 286/E/2020 dated 19.06.2020 and quash the same and consequently direct the respondents herein to step up the pay of the petitioner on par with petitioner's junior with effect from 08.08.2016 with all monetary benefits.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.V.Om.Prakash,
Government Advocate



W.P.(MD) No.14574 of 2021

ORDER

WEB COPY

The petitioner herein, was initially appointed as a Secondary Grade Teacher on 01.08.1995 in Pogalur Union, Ramnad District and on the basis of G.O.Ms.No.388 dated 19.06.1996 without affecting his seniority the petitioner was transferred to Government Primary School, Munchirai range, Kanyakumari District on 03.09.1996 and was awarded selection grade on 04.08.2005 and was awarded the incentive increments on acquiring the qualifications of M.A. B.Ed., 20.12.2009. The petitioner was also promoted as Primary School Headmaster on 01.06.2013. On noticing that there is a pay anomaly and the junior of the petitioner viz., P.Christ Doss was drawing more pay than the petitioner as on 08.08.2016, the petitioner made a claim for stepping up of his pay. The said junior P.Christ Doss was initially appointed as Secondary Grade Teacher on 02.08.1995 in S.Pudur Union, Sivagangai District and was subsequently transferred to Government Kesava Vilasam Primary School, Kollangudu, Munchirai range, Kanyakumari on 01.08.1996, where the petitioner was working. The said junior was awarded selection grade on 02.08.2005 and was promoted as Primary School Headmaster on 15.06.2018. He was also granted incentive increments on acquiring B.Ed.,



W.P.(MD) No.14574 of 2021

and M.A. qualifications on 29.12.2012.

WEB COPY

2. Thus, from the above it is evident that though the petitioner and the said P.Christ Doss were initially appointed in different Panchayat Union, both of them are working as on date in Government Primary School, Munchirai range, Kanyakumari District in the cadre of Primary School Headmasters. Both of them also were granted incentive increments for acquiring B.Ed., and M.A qualifications. From the dates noted above, it is evident that the date of appointment of the said P.Christ Doss is later to the date of appointment of the petitioner both in the cadre of Secondary Grade Teacher as well as in the cadre of Primary School Headmaster. Admittedly, the said P.Christ Doss is drawing more pay than the petitioner since 08.08.2016 onwards. The petitioner made a request for rectification of the pay anomaly to the respondents. But the 2nd respondent instead of considering the matter on merits passed the impugned order rejecting the claim of the petitioner on the ground that the petitioner and the said P.Christ Doss were appointed in different Panchayat Union initially and therefore, the petitioner is not entitled for rectification of the pay anomaly/for stepping up



W.P.(MD) No.14574 of 2021

of his pay. The said very ground on which the impugned order came to be passed was considered by this Court in number of occasions in W.P.(MD)No. 742 of 2018, W.P.(MD)No.8046 of 2018, W.P.(MD)No.4231 of 2019, W.A. (MD)No.1220 of 2019, W.P.(MD).No.11427 of 2015, W.A.(MD)No.829 of 2021, W.P.No.34455 of 2019, W.A.No.178 of 2021 and W.P.No.10424 of 2006. In most of the cases, the said ground was held to be not sustainable.

3. As already noted above, though the petitioner and the said P.Christ Doss were initially appointed as Secondary Grade Teachers in different Union, both of them came to the same Union viz. Munchirai range, Kanyakumari District and they were promoted and working as Primary School Headmasters in the very same Union and have been working as such as on date. That being so, the fact that they were initially appointed in different Unions lost significance and they are working in the same cadre in the same Union as on date. Therefore, the ground on which the impugned order issued by the 2nd respondent is totally unsustainable.

4. Accordingly, the impugned order is set aside and the matter is



W.P.(MD) No.14574 of 2021

remanded back to the 2nd respondent for considering the case of the petitioner based on the guidelines issued by the 1st respondent and pass appropriate orders, as expeditiously as possible, at any rate within a period of eight weeks from the date of receipt of a copy of this order in the light of the observations made in this order. The 2nd respondent is further directed to pass a reasoned order while passing the orders and communicate the same to the petitioner.

5. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

18.03.2024

NCC : Yes/No
Index : Yes/No
kpr



WEB COPY



W.P.(MD) No.14574 of 2021

MUMMINENI SUDHEER KUMAR, J.

kpr

To

- 1.The District Educational Officer,
Thuckalay, Kanyakumari District.
- 2.The Block Educational Officer,
Collachel, Kanyakumari District .

W.P.(MD)No.14574 of 2021

18.03.2024