



W.P.(MD)No.24858 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.24858 of 2018

S.Jebamalairani

... Petitioner

Vs.

1.The District Education Officer,
Office of the District Education Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Block Education Officer.
Block Education Office,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to re-fix the pay scale of the petitioner as Rs.13600+750 PP instead of 5200-20200 in the Secondary Grade post from the date of appointing the petitioner as Secondary Grade Teacher in the Government School on 16/07/2009 by taking into consideration of Selection Grade Pay Scale drawn by the petitioner in the Aided School and consequently direct the respondents to pay all attendant benefits payable to the petitioner.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.T.Amjadkhan,
Government Advocate



W.P.(MD)No.24858 of 2018

ORDER

WEB COPY

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to refix the pay scale of the petitioner as Rs.13600+750 PP (Personal Pay) instead of Rs.5200-20200 in the Secondary Grade post from the date of appointing the petitioner as Secondary Grade Teacher in the Government School on 16.07.2009 by taking into consideration of Selection Grade Pay Scale drawn by the petitioner in the Aided School and consequently direct the respondents to pay all attendant benefits payable to the petitioner.

2. The petitioner claims that she had obtained Selection Grade in the Private Aided School prior to being appointed as Secondary Grade Teacher in the Government School. However, according to her, the pay scale fixed by the respondents on her appointment as Secondary Grade Teacher in the Government School has been erroneously fixed at Rs.5200-20200 instead of Rs.13600+750 PP (Personal Pay) which she had drawn while she had obtained Selection Grade in the Private Aided School. She had given a representation to the respondents to refix her pay scale to Rs.13600+750 PP (Personal Pay) which she was drawing in the Private Aided School before being appointed as Secondary Grade Teacher in the Government School instead of Rs.5200-20200. Since the representation was not considered, the petitioner has filed this Writ Petition.



W.P.(MD)No.24858 of 2018

3. A counter affidavit has been filed by the first respondent denying the contentions of the petitioner.

4. Admittedly, no final orders were passed by the respondents on the representation made by the petitioner for refixing his pay scale.

5. Learned counsel appearing for the petitioner as well as learned Government Advocate appearing for the official respondents have relied upon two different Division Bench Judgments of this Court in support of their respective contentions.

6. In the interest of justice, since the representation of the petitioner prior to the filing of the Writ Petition was not considered by the respondents, this Court deems it fit to direct the respondents to consider the representation of the petitioner for refixing of her pay scale based on her contentions raised in this representation which are also reflected in the affidavit filed in support of this Writ Petition.

7. Since the representation is an old one, the petitioner is directed to submit a fresh representation to the respondents.



W.P.(MD)No.24858 of 2018

8. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the first respondent requesting for refixation of her pay scale to Rs.13600+750 PP (Personal Pay) instead of Rs.5200-20200 in the Secondary Grade Post by submitting an explanation as to why her pay scale has to be revised within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation by the first respondent, the first respondent shall forward the representation of the petitioner to the Chief Educational Officer, Ramanathapuram District, within a period of one week thereafter and the Chief Educational Officer, Ramanathapuram District, shall pass final orders within a period of twelve weeks thereafter.

9. With the aforesaid direction, the Writ Petition is disposed of. No costs.

23.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



W.P.(MD)No.24858 of 2018

To

1.The District Education Officer,
Office of the District Education Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Block Education Officer.
Block Education Office,
Ramanathapuram District.



WEB COPY



W.P.(MD)No.24858 of 2018

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.24858 of 2018

23.09.2024