



W.P.(MD)No.24859 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.24859 of 2018

T.Baskar

... 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 15/07/2009 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



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ORDER

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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 15.07.2009 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 he had obtained Selection Grade in the Private Aided School prior to being appointed as Secondary Grade Teacher in the Government School. However, according to him, the pay scale fixed by the respondents on his 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 he had drawn while he had obtained Selection Grade in the Private Aided School. He had given a representation to the respondents to refix his pay scale to Rs.13600+750 PP (Personal Pay) which he 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.



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WEB COPY 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 her 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 his pay scale based on his 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.



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WEB COPY 8. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the first respondent requesting for refixation of his 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 his 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



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To

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

2.The Block Education Officer.
Block Education Office,
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ABDUL QUDDHOSE, J.

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