



W.P.(MD)No.26867 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.26867 of 2019

and

W.M.P.(MD)No.23207 & 23208 of 2019

- 1.J.Stella Janet
- 2.Y.Barnabhas
- 3.A.S.Geetha
- 4.P.Usha Kumary
- 5.M.K.Aloysia Shoba
- 6.J.Merin

... Petitioners

/Vs./

- 1.The Director of School Education,
DPI Complex College Road,
Chennai-6.
- 2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 3.The District Educational Officer,
Nagercoil, Kanyakumari District.
- 4.Andal
- 5.Mary Juliet

... Respondents



W.P.(MD)No.26867 of 2019

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the files of the 1st respondent pertaining to its impugned order bearing Na.Ka.No.3720/W.I/E1/2019 dated 16.11.2019 and to quash the same and consequently direct the respondents to prepare a fresh panel including the names of the petitioners according to their seniority and grant promotion to the petitioners as Head Master in the Higher Secondary School by considering their date of appointment and seniority within a time frame that may be stipulated by this Court

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.T.Amjad Khan (R1 to R3)

Government Advocate

No appearance (R4 & R5)

ORDER

This writ petition has been filed challenging the impugned panel dated 16.11.2019 issued by the first respondent.

2. According to the petitioners, they are seniors to the respondents 4 and 5 and they have been appointed prior to that of the respondents 4



W.P.(MD)No.26867 of 2019

and 5 as PG Assistants and their names ought to have been included in the impugned seniority panel dated 16.11.2019. Since the names of the petitioners have not been included in the impugned seniority panel, they have filed this writ petition.

3. A counter affidavit has been filed by the official respondents denying the contentions of the petitioners. They have stated in their counter affidavit that the petitioners were initially appointed as PG Assistants only on temporary basis and on consolidated pay basis, whereas the respondents 4 and 5 were appointed on a regular time scale of pay and they were regular employees. According to the official respondents, the services of the petitioners were regularized only subsequent to the date of the appointment of the respondents 4 and 5 on a regular time scale of pay. Therefore, according to the official respondents, the respondents 4 and 5 cannot be treated as juniors to the petitioners. They have categorically contended that a person appointed on a consolidated pay basis can never be equated with a person appointed on a regular time scale of pay, as it would amount to treat the unequal as equal.



W.P.(MD)No.26867 of 2019

WEB COPY

4. Admittedly, the initial appointment of the petitioners was only on temporary basis and on consolidated pay basis. Whereas the respondents 4 and 5 were appointed only on a regular time scale of pay. The date when the services of the petitioners were regularized is only later to the date of appointment of the respondents 4 and 5 under the regular time scale of pay. In view of the said undisputed fact, the relief sought for in this writ petition cannot be entertained and there is no merit in the same.

5. For the foregoing reasons, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.10.2024

Index : Yes / No
NCC : Yes / No
Sm



W.P.(MD)No.26867 of 2019

WEB COPY

TO:-

- 1.The Director of School Education,
DPI Complex College Road,
Chennai-6.
- 2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 3.The District Educational Officer,
Nagercoil, Kanyakumari District.



WEB COPY



W.P.(MD)No.26867 of 2019

ABDUL QUDDHOSE, J.

Sm

Order made in
W.P.(MD)No.26867 of 2019

Dated:
21.10.2024