



W.P.(MD)No.15351 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.15351 of 2017

and

W.M.P.(MD)Nos.12160 & 12161 of 2017

M.R.Pascal Baylon

... Petitioner

/Vs./

1.The Director of Elementary Education,
O/o. The Director of Elementary Education,
College Road,
Chennai – 6.

2.The District Elementary Educational Officer,
O/o/ The District Elementary Educational Office,
Collectorate Campus,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.1065/A5/2017 dated 12.07.2017 and quash the same as illegal and consequentially to direct the 2nd respondent to revise and re-fix the



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original scale of pay as per the proceedings of the 2nd respondent in Na.Ka.No.4211/A5/2016 dated 23.05.2016 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 12.07.2017 passed by the second respondent rejecting the petitioner's request for rectification of pay anomaly between the petitioner and his junior, namely Mrs.J.Sheela.

2. It is now brought to the notice of this Court by the learned counsel appearing for the petitioner that even though pay anomaly was rectified subsequent to the filing of this writ petition, Mrs.J.Sheela, the petitioner's junior had challenged the rectification of pay anomaly order by filing a writ petition in WP(MD)No.2594 of 2018 and by order dated



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16.03.2018, rectification order was quashed and the matter was remanded back to the respondents for fresh consideration. He would also submit that the respondents, pursuant to the order dated 16.03.2018 passed in WP(MD)No.2594 of 2018, issued the proceedings dated 11.09.2018 once again fixing the salary of the petitioner's junior, namely, Mrs.J.Sheela, higher than that of the petitioner. The proceedings dated 11.09.2018 passed in favour of Mrs.J.Sheela, the petitioner's junior has also been placed on record, which reveals higher salary.

3. For the foregoing reasons and also for the foregoing undisputed facts, necessarily the impugned order dated 12.07.2017 passed by the second respondent has to be quashed and the matter has to be remanded back to the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner as well as Mrs.J.Sheela, within a time frame to be fixed by this Court.

4. In the result, the impugned order dated 12.07.2017 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in



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accordance with law, after affording a fair hearing to the petitioner as well as Mrs.J.Sheela. The second respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2024

Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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Order made in
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Dated:
11.09.2024