



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.17230 of 2024

M.Shamila

.. Petitioner

Vs.

1. The Director of Elementary Education,
Chennai – 600 006.

2.The District Educational Officer (Elementary),
Cheyyar, Tiruvannamalai District.

3.The Block Educational Officer – II,
Arni,
Thiruvannamalai 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 Pro.Na.Ka.No.1330/A2/2022 dated 17.04.2024 and to quash the same and to issue consequential direction to the 2nd respondent to rectify the anamoly of “junior drawing more pay than senior” by stepping up the pay of the petitioner (senior) on par with his junior (Mrs.K.Senthamaraichelvi) with effect from 19.05.2012 and disburse the monetary benefits thereof with interest, within a time frame.

For Petitioner

.. Mr.P.Murali



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For Respondents .. Mrs.Mythreye Chandru, SGP

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order dated 17.04.2024 and to issue consequential direction to the 2nd respondent to rectify the anomaly of junior drawing more pay than the senior by stepping up the pay of the petitioner on par with her junior Mrs.K.Senthamaraichelvi.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had been appointed as Secondary Grade Teacher on 28.10.2004 and her services were regularised on 01.06.2006. She was then promoted as BT teacher on 02.06.2009. She was granted selection grade on 09.06.2019. She got the first incentive increment on 16.12.2008 for an additional qualification of B.Ed. She then got the second incentive increment on 08.01.2009 for the additional qualification of M.Sc. At the time of filing the writ petition, she was working as BT Teacher (Maths).

3.It had been contended by her that her junior Mrs.

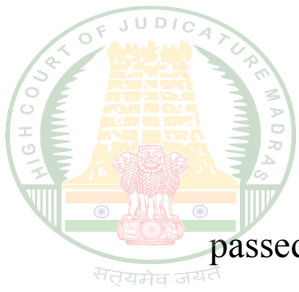


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K.Senthamaraichelvi had been appointed as Secondary Grade Teacher on 06.01.2006 nearly a year and half after the appointment of the petitioner. Her services were regularized on 01.06.2006 and was promoted as BT Teacher on 21.09.2011 nearly after two years after the petitioner herein. She was granted selection grade on 21.09.2021. At that scale of pay, she was granted first incentive increment on 01.01.2010 for the qualification B.Ed. The second incentive increment was granted on 19.05.2012, when admittedly she was drawing a higher scale of pay. At that time, when the petitioner was granted the second incentive increment, she was also working as BT Teacher (Maths). It is contended that the petitioner's pay should be stepped up to the pay equivalent of her junior Mrs. K.Senthamaraichelvi.

4.In the counter affidavit filed on behalf of the 2nd respondent, it had been contended that the pay anomaly had occurred owing to the junior Mrs.K.Senthamaraichelvi obtaining her additional qualifications of B.Ed and post graduation later than the petitioner herein and when those two increments were granted she was drawing a higher scale of pay.

5.This issue is no longer *res integra* as series of judgment had been



passed in similar circumstance, that the pay has to be stepped up to that of the junior. In W.P.No.11650 of 2024, by an order dated 19.03.2025, this Court had an occasion to examine the similar issue and had drawn inspiration from an earlier order in W.P.No.34455 of 2019, wherein it had been held as follows:

7.The same facts had been placed by the petitioner herein when there was a pay anomaly with another junior, Prabhu Sabestian and with respect to which the petitioner had filed W.P.No.34455 of 2019. It had been observed as follows:

12.In the present case, apart from the facts which clearly demonstrates that the petitioner is very much senior to Prabhu Sabestian both in terms of joining service and also joining the new division, the above judgment also clearly covers the facts of the present case.

13.In view of the above discussion, this Court is of the considered view that the impugned order passed by the 2nd respondent dated 19.09.2018, requires interference and accordingly the same is quashed and the petitioner is entitled to seek pay parity on par with her junior Prabhu Sabestian, who according to the petitioner is getting a higher pay. The 2nd respondent is directed to rectify the pay anomaly in the case of the petitioner accordingly, step up the pay of the petitioner on



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par with her junior Prabhu Sabestian and extend all the consequential benefits. Necessary orders shall be passed in this regard by the 2nd respondent within a period of six weeks from the date of receipt of copy of this order.”

6.The petitioner is entitled for step up of pay equivalent to the pay of junior Mrs.K.Senthamaraichelvi and pay parity must be restored. The impugned order of the 3rd respondent in Pro.Na.Ka.No.1330/A2/2022 dated 17.04.2024 is hereby set aside. The 2nd respondent is directed to rectify the pay anomaly in the case of the petitioner and step up the pay of the petitioner on par with the junior Mrs. K.Senthamaraichelvi and extend all consequential benefits. Necessary order should be passed within a period of eight weeks from the date of receipt of a copy of this order.

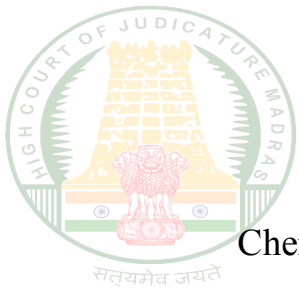
7.Accordingly, this Writ Petition stands disposed of. No costs.

25.03.2025

Index: Yes/No
Internet: Yes/No
smv

To

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