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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.23598 of 2024
and
W.M.P.No.25811 of 2024

A.Thiagesan
Lab Assistant,
Government Boys Higher Secondary School,
Kannamangalam Arani Taluk,
Thiruvannamalai District

Currently working as Lab Assistant,
Government High School,
Maganyam, Kanchipuram District

.... Petitioner

Vs.

1. The District Chief Education Officer,
Thiruvannamalai, Thiruvannamalai District.
2. The District Education Officer,
Thiruvannamalai, Thiruvannamalai District.



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3. The District Education Officer,
Cheyyar, Cheyyar District.
 4. The Head Master,
Government High School,
Magnyam, Kanchipuram District.
 5. The Head Master,
Government Boys Higher Secondary School,
Kannamangalam Arani Taluk,
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 records pertaining to the proceedings of the 5th respondent dated 25.10.2023 bearing No.Na.Ka.No.167/2023 and quash the same and consequently direct the respondents to restore the pay scale of the petitioner as per the proceedings of the 3rd respondent in Na.Ka.No. 380/A1/2019 dated 08.02.2020.

For Petitioner : Mr.Ravichandran
for Mr.S.I.Sharukumar

For Respondents-1 to 5 : Mrs.Mythreye Chandru
Special Government Pleader



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ORDER

The writ petition is filed for the following relief:

“To issue a Writ of Certiorarified Mandamus, calling for records pertaining to the proceedings of the 5th respondent dated 25.10.2023 bearing No. Na.Ka.No.167/2023 and quash the same and consequently direct the respondents to restore the pay scale of the petitioner as per the proceedings of the 3rd respondent in Na.Ka.No.380/A1/2019 dated 08.02.2020.”

2. The petitioner would submit that he had joined the service as an Office Assistant on 23.05.2007 at Government Higher Secondary School, Devikapuram. He had completed his probation on 23.05.2008. Similarly, one Kirubakaran had joined the service as an Office Assistant on 30.05.2007 and completed his period of probation on 29.05.2008. The petitioner was subsequently promoted to the post of Lab Assistant. The pay scale for the post of Lab



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Assistant was Rs.6010-1900-5200-20200-1900. The said

Kirubakaran who is junior to the petitioner was promoted to the post of Record Clerk on 28.08.2012 in the pay scale of Rs.6010-1400-4800-10000-1400 and was receiving a higher pay than the petitioner. Therefore, the petitioner had given a representation dated 24.09.2019 to the 3rd respondent seeking revision of his pay scale on par with Kirubakaran. Thereafter, his pay scale was revised accordingly. An audit was conducted by the Zonal Accounts Officer and in the audit report, a query was raised with regard to the increase in the petitioner's pay scale. In the meanwhile, the 5th respondent had erroneously passed the impugned order dated 25.10.2023 stating that the revised pay received by the petitioner with effect from 23.09.2014 was subject to audit objections and therefore, the excess pay received by him was revised downward. The petitioner's pay scale was revised only on the ground that he was wrongly promoted directly to the post of Lab Assistant without first being promoted to the post of Record Clerk. This promotion was given to the petitioner



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despite his objections. As a result, he was made to suffer the downward revision of pay scale by the impugned order, which is contrary to the settled principles of Law. The petitioner has no other alternative or efficacious remedy except to approach this Court by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India.

3. Heard the learned counsels on either side and perused the materials available on record.

4. The main challenge to the impugned order is that it has been passed by an authority who has no jurisdiction. A perusal of the impugned order would indicate that the same has been passed by the Headmaster whereas the competent authority to pass such an order is the District Educational Officer. Therefore, without going into the merits of the case and taking note of the fact that the impugned order was passed by a person without authority, the impugned order dated



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25.10.2023 is set aside. Accordingly, the writ petition is allowed.

The respondents are directed to restore the pay scale of the petitioner as per the proceedings of the 3rd respondent dated 08.02.2020. No costs. Consequently, connected miscellaneous petition is closed.

11.08.2025

srn

To

1. The District Chief Education Officer,
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P.T.ASHA, J.,

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