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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM

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

W.P.No.27058 of 2024
and
W.M.P.No.29572 of 2024

B.Gopikrishnan

.. Petitioner

Vs.

1. The Central Board of Secondary Education,
Rep. by its Chairman,
“Shiksha Kendra” No.2, Community Centre,
Preet Vihar, Delhi – 110 092.

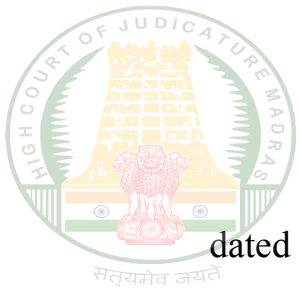
2.The District Collector and Chairman,
Breeks Board of Management,
District Collectorate,
Udhagamandalam.

3.The Chief Educational Officer,
Vice Chairman, Breeks Management Committee,
Office of the Chief Educational Officer,
Udhagamandalam.

4.The Headmaster
(In-charge)
Breeks All India Secondary School,
Udhagamandalam.

.. 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 the proceedings of the 3rd respondent in Proc No.10891/ B4/ 2022

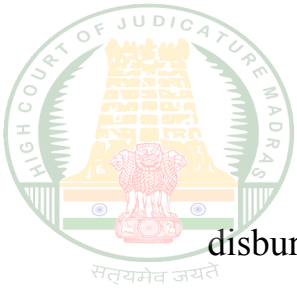


dated 31.07.2024 and quash the same and for a consequently direct the respondents 2 to 4 to implement the 7th pay commission in pursuance to the communication of the 1st respondent dated 4.1.2024 addressed to the 3rd respondent and to sanction and disburse the pay arrears along with the interests which the petitioner is legally entitled to having rendered 24 years of continuous service as BT Assistant Mathematics Teacher in the 4th respondent school.

For Petitioner	.. Dr.R.Gouri
For R3	.. Ms.S.Mythreye Chandru, SGP
For R2	.. Mr.V.Nanmaran, AGP
For R1 & R4	.. No appearance

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to proceedings of the 3rd respondent / Chief Educational Officer / Vice-Chairman of the Brecks Management Committee at Ooty in proceedings No.10891/B4/2022 dated 31.07.2024 and to quash the same. The Petitioner seeks a direction that the respondents should implement the 7th pay commission consequent to communication issued by the 1st respondent on 04.01.2024. The petitioner seeks sanction and



disbursement of pay arrears together with interest.

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2. In the affidavit filed in support of the writ petition, it had been contended that the petitioner had entered 24 years of continuous service as BT Assistant (Maths) in the 4th respondent school, Brecks All India Secondary School, Ooty. It is contended in the writ petition that the service conditions of the staff of both teaching and non-teaching are treated on par with the State Government rules including payment of salary and other benefits. It had been stated that therefore the staff of both teaching and non-teaching are entitled for the benefits which had been granted in the 7th pay commission.

3. In this connection, the learned counsel for the petitioner drew notice of this Court to the resolution passed by the Brecks Board of Management for which the District Collector is the Chairman and the Chief Educational Officer is the Vice-Chairman and who had been impleaded in those capacities as 2nd and 3rd respondents, implementing the recommendation of the 6th pay commission on and from March 2010. It had been contended that now the 7th pay commission had given its recommendation and it is



complained that the committee namely, Breeks Management Committee had not even convened to examine whether the respondents would be in a position to implement the recommendation of the 7th pay commission.

4. In this connection, the proceedings of the 3rd respondent dated 31.07.2024 is challenged since it had been stated as follows in the impugned proceedings:

“The total expenditure is met by the Income generated from the fee collected from the students. At present the organization is facing a huge financial crisis due to the below mentioned reasons.

- 1. Building Renovation Work.*
- 2. Decrease in Student Admission.*
- 3. Non Revision of School fees.*

Due to lack of fund in this Private Self Financing School, Committee decided it is not possible to implement the Seventh Pay Commission and other incidental monetary benefits of petitioner.”

5. The aforementioned reasons cannot stand judicial scrutiny as every staff being teaching and non-teaching working under the Government have



to be granted the benefit of 7th pay commission. There cannot be any exception to the same. If the 2nd and 3rd respondents / Chairman and Vice Chairman, Brecks Board of Management are of the opinion that they do not have funds to pay the teaching and non-teach staff with the benefits of the 7th pay commission, then they must address the Government and obtain necessary funds and disburse the same. They cannot deny the right of the teaching and non-teaching staff. This responsibility is predominant and cannot be shut by them by stating the financial condition.

6.The impugned order is set aside. A direction is given to the 2nd and 3rd respondent to convene a meeting of the Brecks Board of Management for which the 2nd respondent / District Collector is the Chairman and the 3rd respondent / Chief Educational Officer is the Vice-Chairman and examine the implementation of the 7th pay commission to the teaching and non-teaching staff of the 4th respondent school / Brecks All India Secondary School, Ooty. Such meeting should be convened within a period of eight weeks from the date of receipt of a copy of this order and decision must be taken to implement the 7th pay commission.

7.It is also to be noted that if there is a delay in implementation of the



recommendation, then the respondents would only have to bear interest for the belated implementation and that would cause further financial burden on the respondents. In order to avoid that, it is only prudent that they implement the recommendation of the 7th pay commission immediately and without any delay.

8. With the above observations, this Writ Petition stands Disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

02.04.2025

Index: Yes/No
Internet: Yes/No
smv

To

1. The Chairman



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Central Board of Secondary Education,
“Shiksha Kendra” No.2, Community Centre,
Preet Vihar, Delhi – 110 092.

2.The District Collector and Chairman,
Breeks Board of Management,
District Collectorate,
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Office of the Chief Educational Officer,
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C.V.KARTHIKEYAN,J.

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