



WEB COPY



W.P.No.32052 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32052 of 2025

and

WMP.Nos.35923 & 35927 of 2025

D.Narayanasamy

... Petitioner

Vs.

1.The Director Of Elementary Education,
DPI Campus, College Road, Chennai 600 009

2.District Elementary Educational Officer
Vellore District

3.Block Elementary Educational Officer
Vellore Rural Block, Vellore District

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for records of the 3rd respondent in Na.Ka. no 66 / A1 / 2025 dated 11.08.2025 and quash the same and accordingly direct the Respondents to fix the salary of the petitioner strictly in accordance with the judgement of the Hon'ble Division Bench in W.A. 2261 of 2024 dated 11.06.2025 and W.A. 3055 of 2019 dated 10.07.2023 by fixing the salary of the petitioner when he joined



W.P.No.32052 of 2025

Government service as of 02.01.2009 as Rs.19,630/- and accordingly re-fix the subsequent salary of the petitioner and fix his pensionary benefits based on such a fixation and consequently restrain the Respondents from in any manner recovering any excess amount based on such a re-fixation.

For Petitioner : M/s.Dhakshyyani Reddy, Senior Counsel
for M/s.Suneetha

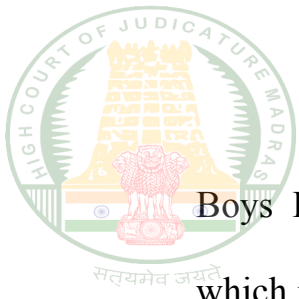
For Respondents : M/s.S.Prabhakaran, Govt. Advocate
for R.1 to R.3.

ORDER

The above Writ Petition is filed for the following reliefs:-

"Calling for records of the 3rd respondent in Na.Ka. No 66 / A1 /2025 dated 11.08.2025 and quash the same and accordingly direct the Respondents to fix the salary of the petitioner strictly in accordance with the judgement of the Hon'ble Division Bench in W.A. 2261 of 2024 dated 11.06.2025 and W.A. 3055 of 2019 dated 10.07.2023 by fixing the salary of the petitioner when he joined Government service as of 02.01.2009 as Rs.19,630/- and accordingly re-fix the subsequent salary of the petitioner and fix his pensionary benefits based on such a fixation and consequently restrain the Respondents from in any manner recovering any excess amount based on such a re-fixation."

2. It is the case of the petitioner that he was originally appointed as a BT Assistant (Mathematics) with effect from 02.12.1997 at the St. Joseph



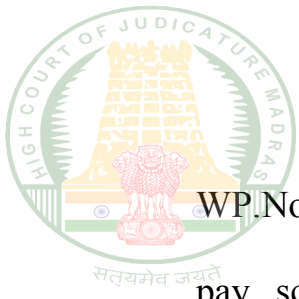
W.P.No.32052 of 2025

Boys Higher Secondary School, Susai Nagar, Thiruvannamalai District

which is a Government aided school. The petitioner then got an opportunity to be appointed as a Government School Teacher through the Teachers Recruitment Board to the very same post of BT Assistant (Mathematics) and after taking part in the selection process, he was selected to the Government Panchayat Union Middle School and was appointed and joined duty on 02.01.2009 without any break in services from the aided school. The petitioner would submit that his last drawn salary as on 01.01.2009 in the aided school was protected and the pay was fixed vide proceedings of the 3rd respondent dated 28.07.2011.

3. While so, without any notice, the said fixation was cancelled vide proceedings dated 21.10.2013 in and by which the petitioner's pay scale was reduced with effect from 02.01.2009 by considering him as a new entrant in the services without any pay protection. This order was challenged by him by filing WP.No.31113 of 2017 which was disposed of with a direction to the respondent to issue notice to the petitioner and pass orders.

4. The petitioner would submit that pursuant to the orders passed in



W.P.No.32052 of 2025

WP.No.31113 of 2017, once again by proceedings dated 03.03.2021 his pay scale was refixed without any pay protection. This order was challenged in WP.No.8970 of 2021. The Writ Petition was allowed and the respondents were directed to grant pay protection of the last drawn pay of the petitioner when he was relieved from the Aided School. This order was challenged by the respondents in Writ Appeal No.2261 of 2024. So far as the pay protection of the last drawn pay is concerned, due to divergent opinions between two Hon'ble Division Benches of this Hon'ble Court, the matter is referred to a larger Bench. Therefore, the petitioner at the time of hearing of the Writ Appeal had submitted that he was not seeking a pay protection of the last drawn salary but only seeking extension of the benefit of GO.Ms.No.992 dated 22.06.1979 as per the judgment of the Division Bench in WA.No.3055 of 2019. Accordingly, the Division Bench by order dated 11.06.2025 had modified the order of the Single Bench of this Court to the effect that the petitioner was not entitled to the last drawn pay but was entitled to the extension of the benefit of GO.Ms.No.992 dated 22.06.1979 as interpreted in Writ Appeal No.3055 of 2019.

5. Thereafter, the impugned order dated 11.08.2025 has been passed once again, considering the petitioner as a new entrant by fixing his pay



W.P.No.32052 of 2024

scale at a minimum of Rs.13,900/- without extending the benefit of

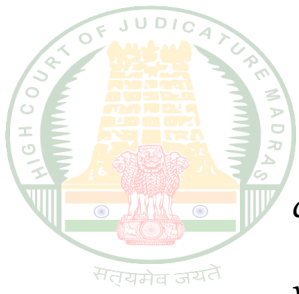
GO.Ms.No.992 dated 22.06.1979 as directed by the Division Bench.

Therefore, the petitioner is before this Court.

6. Heard the learned counsel on either side.

7. The Division Bench of this Court in WA.No.2261 of 2024 was considering an issue as to whether a teacher working in a Government Aided School (private management), upon being selected and appointed in a Government School to the same post, would be entitled to pay protection and the said issue has been referred to a larger Bench of this Court in view of the conflicting pronouncements by two Division Benches of this Court. In the above Writ Appeal, the petitioner herein had conceded that he would not press his claim for pay protection and would be satisfied if he was given the benefit of Go.Ms.No.992 dated 22.06.1979. The Division Bench, after extracting the said Government Order and relying upon the order of the Division Bench in the case ***Director of Elementary Education and Others -vs- D.Selvarosebai*** dated 10.07.2023 made in ***W.A.No.3055 of 2019*** had partly allowed the Writ Appeal holding as follows :-

"The directions issued by the learned Single Judge



WEB COPY

W.P.No.32052 of 2025



conferring pay protection on the respondent are set aside with a direction to the Government to confer the benefits of G.O.Ms.No.992 dated 22.06.1979 on the respondent viz., to count the services rendered under the private management for the purpose of conferment of selection grade and special grade in the post of B.T.Assistant (Mathematics). The appellants will calculate the benefits due and pay the same to the respondent within a period of twelve weeks from the date of receipt of a copy of this order. The writ appeal is partly allowed."

8. The impugned order appears to have been passed in compliance with the said order, since in the reference set out in the said proceeding, the 3rd respondent would rely upon the orders passed in WP.No.8970 of 2021 and WA.No.2261 of 2024. However, the 3rd respondent has totally ignored the directions of the Division Bench to confer the benefits of GO.Ms.No.992 dated 22.06.1979 to the petitioner by counting the services rendered under the private management for the purpose of confirmation of Selection Grade and Special Grade in the post of BT Assistant (Mathematics) and to accordingly calculate the benefits. The 3rd



WEB COPY



W.P.No.32052 of 2024

respondent had simply reproduced the earlier order by reducing the pay scale. The impugned order, apart from being in contempt of the earlier order of the Division Bench, is totally contrary to the directions issued by the Division Bench.

9. Therefore, the Writ Petition is allowed and the impugned order is set aside. The respondents are directed to fix the salary of the petitioner strictly in accordance with the judgements of the Hon'ble Division Bench passed in W.A.No.2261 of 2024 dated 11.06.2025 and W.A.No. 3055 of 2019 dated 10.07.2023 and confer the benefit of GO.Ms.No.992 dated 22.06.1979 to the petitioner, within a period of 1 month from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

22.08.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Director Of Elementary Education,

7/9



W.P.No.32052 of 2025

DPI Campus, College Road, Chennai 600 009

2.District Elementary Educational Officer
Vellore District

3.Block Elementary Educational Officer
Vellore Rural Block, Vellore District

P.T. ASHA. J.,

(shr)



WEB COPY



W.P.No.32052 of 2025

W.P.No.32052 of 2025
and
WMP.Nos.35923 & 35927 of 2025

22.08.2025