



W.P.No.35447 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.No.35447 of 2023

and

WMP.Nos.35408 & 35411 of 2023

A.S.Viola Caroline Mary

.. Petitioner

Vs.

1. The State of Tamilnadu
Rep by Its Secretary to government School Education,
Secretariat Fort St George,
Chennai 600009.

2. The Director of School Education,
Chennai-6.

3. The Director of Elementary Education,
Chennai-6.

4. The Chief Educational Officer,

1/13



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Krishnagiri,
Krishnagiri District.

5. The District Educational Officer,
Krishnagiri, Krishnagiri 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 the records pertaining to the order passed by the 4th Respondent in his proceedings Na.Ka. No. 3402/ A2 / 2020 dated 14.02.2022 and quash the same and direct the Respondents to fix the scale of pay of the petitioner as per the clarification Letter issued by the Government in Government Letter No.14483/ CMPC / 2011- 1, Finance Department, dated 05.01.2012 (or) in the alternative to revert back the petitioner to the parent unit so as to enable the petitioner to get the benefit of the scale of pay in the cadre of selection Grade Headmaster of Elementary School with effect from 17.12.2011and



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thereafter in the cadre of headmaster of Middle School in Bargur Panchayat

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Union from 29-11-2006 as per the Government Letter No. 14483/ CMPC/

2011- 1, Finance Department dated 05-01-2012.

For Petitioners : Mr.P.Ganesan

For Respondents : Mrs.S.Mythreye Chandru, Spl.GP
for R.1 to R.5.

ORDER

This Writ Petition has been filed challenging the order passed by the 4th respondent dated 11.02.2022, thereby rejecting the request made by the petitioner to revert her back to the parent unit to get the benefit of pay scale of selection grade of Headmaster with effect from 06.07.2008.

2. Heard the learned counsel appearing on either side and perused the



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materials available on record.

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3. The petitioner had joined as a Secondary Grade Assistant on 06.07.1988 in Panchayat Union Primary School Kodamandapatti, Uthangarai. Later, she was transferred to Barugur Union, Krishnagiri District on 01.11.1989. Thereafter, she was awarded Selection Grade on 06.07.1998. Later, she was promoted as Headmistress of Elementary School on 13.06.2003. She was further promoted to the post of Middle School Headmistress on 29.11.2006. Since the post of Headmaster of Elementary School happened to be identical to the Selection Grade Secondary Grade Assistant, the petitioner was granted the scale of pay of Selection Grade Headmaster of Elementary School on 06.07.2008.

4. While being so, the petitioner's school was upgraded as a High School and the petitioner was also absorbed to the High School Service on



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17.12.2011 as BT Assistant (Tamil) as there was no Middle School to

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accommodate the petitioner in the Elementary Education Service. The said absorption caused monetary loss to the tune of Rs.6,000/- every month to the petitioner. As per Rule 4 (3) of Tamilnadu Revised Scale of Pay Rules 1989, if the pay fixed in the officiating post is lower than the pay fixed in the substantive post, it shall be fixed on par with the next stage above the substantive pay and where the pay of government servant who had moved from a lower post to a higher post or from ordinary grade to selection grade is fixed at a stage lower than what would have been admissible in the lower post or ordinary grade, his pay shall be stepped up to the stage equal to the pay in the lower post or grade or if there is no such stage, to the next higher stage.

5. The petitioner's pay scale in the post of BT Assistant in the High School Service is lower than the pay fixed for the post of selection grade



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primary school Headmaster. Therefore, the petitioner submitted

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representation to revert her back to Elementary Educational service to the post of Middle School Headmaster again. In fact, the 2nd respondent had no objection in reverting the petitioner to the post of BT Assistant in the Panchayat Union Middle School Periyapanamutlu. However, the 4th respondent rejected the request made by the petitioner by an order dated 14.02.2022 on the ground that it is not possible to revert the petitioner back to her parent unit since the petitioner was absorbed as BT Assistant on 17.12.2011 and she had been working in the said post for more than 10 years. If such reversion were to be made, the seniority of other teachers would be affected.

6. The learned counsel for the petitioner would submit that there is no question of the seniority of other teachers being affected, as there are several vacancies in the post of Middle School Headmaster.



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7. On perusal of the counter filed by the 2nd respondent and also the submissions made by Mrs.S.Mythreye Chandru, learned Special Government Pleader revealed that at the time of up-gradation, the petitioner herself had opted for and was willing to work as a B.T. Assistant (Tamil), and now, if the petitioner is reverted back to the parent department, it would affect the seniority of other teachers. Further, the Panchayat Union Middle School Periyapanamutlu was upgraded as High School on 07.12.2011 as per the guidelines of the Government Order. The teachers who were working in the school had given the option to come under the high School administration as Graduate Teachers. In view of the consent given by the petitioner, she was absorbed into the High School service. The scale of pay for the Graduate Teacher post is lower than that of the Middle School Headmaster post. Even with the knowledge that there was a difference between the pay scales of the Graduate Teacher and the Middle School



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Headmaster posts, the petitioner opted to come under the High School set-up. Further, at the time of upgradation of High School and absorption of the teachers into high school, the “State and Subordinate Service Rules” was in force. Now, the “Tamil Nadu Government Servants (Condition of Service) Act 2016” is in force. Both Act and Rules provide the right to a Government Servant in the former post, only in the case of Government servant those who were selected by direct recruitment, for appointment in any other services of the Government. Section 14 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 is extracted hereunder as follows:-

“A member of a service, whenever selected by direct recruitment for appointment in any other service of the Government or in other State Governments, Central Government, Universities, or any other quasi-government organisations, shall hold the service right in



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the former service for a period not exceeding one year

only from the date of relief from the former service”.

8. The petitioner was absorbed into the High School Service based on her consent, in accordance with the provisions of G.O. Ms. No.198 dated 07.12.2011. Therefore, the request made by the petitioner to be reverted back to her parent unit was rightly rejected, and this Court finds no illegality or infirmity in the order passed by the 4th respondent dated 14.02.2022. However, if there is any vacancy available in the post of Middle School Head Master, the 4th respondent is directed to re-consider the request made by the petitioner seeking reversion to the post of Headmaster of Middle School. It is made clear that if the case of the petitioner is considered in the future, she will be placed as the junior most in the seniority list of the said unit.



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9. Accordingly, the Writ Petition stands dismissed. No costs.

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Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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G.K. ILANTHIRAIYAN, J.

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