



W.P(MD)NO.2110 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :10.09.2025

CORAM:

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P(MD)No.2110 of 2022

and

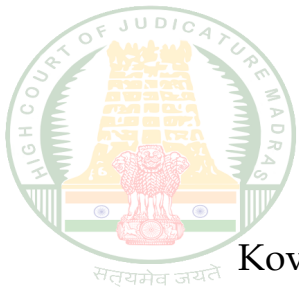
W.M.P(MD)No.1811 of 2022

S.Sivakami

... Petitioner

.Vs.

- 1.The State of Tamil Nadu,
Department of School Education,
represented by its Principal Secretary,
Fort St.George, Chennai-9.
- 2.The Department of Finance(Pay Cell)Department,
represented by its Principal Secretary,
Fort St.George, Chennai-9.
- 3.The Director of School Education,
Office of the Director of School Education,
DPI Campus,Chennai.
- 4.The Chief Educational Officer,
Office of the Chief Educational Officer,
Tuticorin, Tuticorin District – 628 001.
- 5.The District Educational Officer,
Office of the District Educational Officer,



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Kovilpatti, Tuticorin District.

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6.The Government Higher Secondary School,
represented by its Headmaster,
Vembur, Tuticorin District.
Respondents

...

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.NO.5616/ A2/2018, dated 23.12.2021, on the file of the fourth respondent and quash the same and consequently direct the respondents to refix the salary of the Petitioner by virtue of Rule 22-B of the Fundamental Rules and Government Order Ms.No.311, Finance(Pay Cell) Department, dated 23.10.2017 and to pay the arrears of salary from 25.09.2017 to till date within the time frame fixed by this Court.

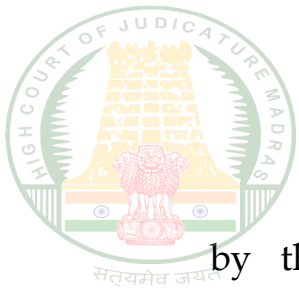
For Petitioner : Mr.S.Arokiamaniraj

For Respondents : Mr.S.Shaji Bino
Spl.Govt. Pleader

ORDER

The issue involved in this Writ Petition is as to whether the Petitioner is entitled to claim re-fixation of salary based on Section 22-B of the Fundamental Rules and G.O.Ms.NO.311, Finance(Pay Cell) Department, dated 23.10.2017.

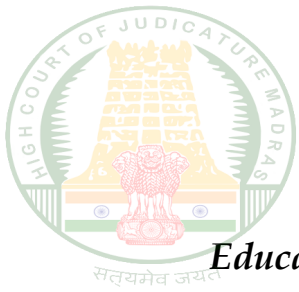
2.The Petitioner was appointed as Secondary Grade Teacher



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by the proceedings of the fifth respondent, dated 7.10.2004. The Petitioner's service was regularized in the said post on 2.7.2017. Pursuant to the recruitment notification issued, she was selected to the post of Post Graduate Assistant and was appointed on 19.09.2017. The Petitioner claims re-fixation of her salary by calculating her previous service as Secondary Grade Teacher. The Petitioner claims that she will be entitled to higher salary, if the Petitioner's previous service as Secondary Grade Teacher was taken into account. The respondents have rejected the Petitioner's request for re-fixation of her salary under the impugned order on 23.12.2021 stating that Rule 22-B of the Fundamental Rules is not applicable to the case of the Petitioner, as the Petitioner was neither promoted nor appointed on transfer from lower post. The respondents have rejected the Petitioner's request, since the Petitioner's appointment to the post for Post of Post Graduate Assistant was a fresh appointment. The law with regard to the contentions raised by the Petitioner has been well settled by the decision rendered by the Honourable Supreme Court in the case of *Pallur Bhaskar Rao and others .vs. P.Ramaseshaiah and others* reported in (2017) 5 SCC Page 783, which has also been followed by the Division Bench of this Court in its judgment dated 24.3.2025 passed in *W.A(MD)No.686 of 2022 in the case of The State of Tamil Nadu, represented by its Secretary, Department of School*



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Education, Fort St.George, Chennai - 600 009 and others .vs.

A.Joseph Sebastian,Secondary Grade Teacher, Panchayat Union

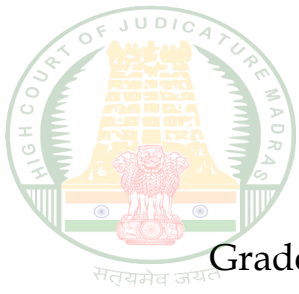
Primary School, Oyyavanthan, Kalaiyarkoil Union, Sivagangai

District - 630 551. In paragraph 14 and 15 of the decision rendered by the Honourable Supreme Court in *Palure Bhaskar Rao case*, it has been held as follows:

“14.Transfer and recruitment by transfer are entirely two different concepts. No doubt transfer can be from one category to another category or within the class if the rule permits interchangeability of the categories within a class. Any other transfer both intra-category and inter-category are in fact, under law is a selection and appointment by way of a transfer from one category to another. If it is a transfer simpliciter it conveys a different meaning and if it is a recruitment by transfer, as we have clarified above conveys a different concept altogether. The latter is a mode of selection/recruitment to a service.

15.Transfer in relation to service simply means a change of a place of employment within an organization. Such transfer being to a similar post in the same cadre and therefore,obviously such a transfer does not result in the termination of his lien in the parent cadre but recruitment by transfer is a different service concept altogether. It is a method of recruitment to a service, in the instant case to a different category in the same service initially and thereafter, to a different service altogether.

3.As seen from the aforesaid judgments, it is clear that since the Petitioner's appointment to the post of Post Graduate Assistant is considered to be a fresh appointment, the question of re-fixing her salary based on her previous service as Secondary



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Grade Teacher, does not arise. For the foregoing reasons, this

WEB COURT does not find any merit in the Writ Petition.

4. Accordingly, the Writ Petition stands dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

10.09.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

1. The Principal Secretary
Department of School Education,
Government of Tamil Nadu,
Fort St. George, Chennai-9.
2. The Principal Secretary,
Department of Finance(Pay Cell)Department,
Fort St. George, Chennai-9.
3. The Director of School Education,
Office of the Director of School Education,
DPI Campus, Chennai.
4. The Chief Educational Officer,

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Office of the Chief Educational Officer,
Tuticorin, Tuticorin District - 628 001.

- 5.The District Educational Officer,
Office of the District Educational Officer,
Kovilpatti, Tuticorin District.
- 6.The Headmaster,
Government Higher Secondary School,
Vembur, Tuticorin District.

ABDUL QUDDHOSE.,J.

vsn

ORDER MADE IN

W.P(MD)No.2110 of 2022
and
W.M.P(MD)No.1811 of 2022



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