



W.P.(MD)No.16964 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16964 of 2025

C.Sumathi

... Petitioner

-VS-

1.The Commissioner,
Most Backward and Denotified Communities
Welfare Department, Ezhilagam,
Chennai - 600 005.

2.The Joint Director,
Kallar Reclamation,
Madurai, Madurai District - 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass orders on the petitioner's claim through representation dated 14.05.2024 and to rectify the pay anomaly of the petitioner, within the time that may be stipulated by this Court.

For Petitioner : Mr.G.Chandrasekar

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader



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ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider and pass appropriate orders on the petitioner's representation dated 14.05.2024, relating to rectification of the pay anomaly, within a time frame to be stipulated by this Court.

2. The petitioner is presently working as a 'Post Graduate Assistant' (History) at Government Kallar Girls Higher Secondary School, Checkanurani, Madurai District. She initially joined as a B.T. Assistant (Mathematics) on 25.07.2006 and was promoted to the post of Post Graduate Assistant (History) on 06.08.2014.

3. The grievance of the petitioner is that a junior employee, one Shalin, who joined later in the cadre of Post Graduate Assistant (Mathematics), is drawing a higher salary than the petitioner, thereby, resulting in a clear pay anomaly. Hence, the petitioner has submitted several representations dated 16.02.2017, 10.09.2020, 19.06.2022 and most recently on 14.05.2024, seeking rectification of this anomaly. However, no written response has been provided till date and the claim has not been considered on merits.



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4. The petitioner's case is governed by the special rules applicable to Kallar Reclamation Schools under the Tamil Nadu Backward Classes Welfare Subordinate Service Rules. These are distinct from the general rules applicable to School Education Department teachers. Hence, any circulars or directions of the School Education Department cannot be relied upon to reject her claim, especially, in the absence of a specific G.O. or circular applicable to her service cadre. Denying the petitioner the benefit of pay parity with her junior, without a valid statutory or administrative basis, is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India. Hence, the present Writ Petition.

5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under



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Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 14.05.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

24.06.2025

To:-

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2. The Joint Director,
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VIVEK KUMAR SINGH, J.

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