



W.P.(MD)No.18556 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18556 of 2025

All Teachers Movement / Association,
Rep. by its President S.Vinoth,
1/108(1), Nagammal Nagar, T.Karisalkulam,
Vembakottai Taluk, Virudhunagar District.

... Petitioner

-VS-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 02.05.2025, within a time as fixed by this Court.

For Petitioner : Mr.R.V.Rajkumar

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



W.P.(MD)No.18556 of 2025

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 02.05.2025, within a time frame to be fixed by this Court.

2. The learned counsel for the petitioner submits that the petitioner is the President of 'All Teachers Movement', a registered association bearing Registration No.153/2024, representing the interests of the Secondary Grade Teachers in the State of Tamil Nadu. The Association was formed to protect the rights, welfare and service conditions of its members. The petitioner challenges the pay fixation for Secondary Grade Teachers under G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009, wherein their scale was fixed at Rs.5200–20200 with Grade Pay Rs.2800, instead of Rs.9300–34800 with Grade Pay Rs.4200, which is the scale fixed for similarly placed Primary School Teachers under the Central Government (e.g., Kendriya Vidyalayas). The Secondary Grade Teachers in Tamil Nadu possess identical educational qualifications and discharge similar duties as their counterparts in Central Government and other State Governments, where the higher scale of Rs.9300–34800 + GP Rs.4200 has been rightly extended.



W.P.(MD)No.18556 of 2025

WEB COPY

3. The learned counsel further submits that other Departments in Tamil Nadu with comparable or even lesser responsibilities have had their pay scales upgraded on representation, whereas the Secondary Grade Teachers, despite their critical role in foundational education, continue to face disparity in pay, which is arbitrary, unjust and violates the principles of equal pay for equal work. The petitioner relies on the spirit and object of the Right of Children to Free and Compulsory Education Act, 2009, which obligates the State to ensure adequate and reasonable remuneration to teachers to attract and retain talent in the teaching profession. Despite repeated representations, including the latest one dated 02.05.2025, no action has been taken by the respondents. The inaction amounts to administrative apathy, leaving the legitimate request of the petitioner's association unanswered for years. Therefore, the learned counsel submits that the petitioner is constrained to approach this Court, seeking a direction to the respondents to consider and dispose of the representation dated 02.05.2025 and to grant revised pay scale of Rs.9300–34800 + GP Rs.4200 to Secondary Grade Teachers on par with similarly placed counterparts in the Central Government and other States.



W.P.(MD)No.18556 of 2025

WEB COPY

4. The learned Additional Government Pleader appearing for the respondents submits that the petitioner association, All Teachers Movement, lacks the *locus standi* to maintain the present writ petition. The association is a private, non-statutory body and there is no legal recognition conferred upon it under the Tamil Nadu Recognised Service Associations Rules or any Government Notification, granting it representative capacity in matters of service benefits or pay revision.

5. The learned Additional Government Pleader further contends that pay structure and grade pay fixation are determined based on recommendations of official committees, such as the Pay Commission and the State's Official Committee, 2009 and are subsequently, implemented through Government Orders, after considering various financial and administrative factors. The petitioner cannot seek parity with Central Government employees or employees of other States as a matter of right.

6. It is submitted that there is no violation of Article 14 of the Constitution of India, as the fixation of Grade Pay at Rs.2800 for Secondary Grade Teachers



W.P.(MD)No.18556 of 2025

under G.O.Ms.No.234 is based on rational classification and specific criteria, including cadre structure, duties and fiscal considerations. Central Government teachers are governed by different service conditions and no legal or constitutional mandate compels the State to adopt the same scale.

7. The learned Additional Government Pleader further submits that the Association has not placed any binding statutory provision, rule or precedent which mandates that Secondary Grade Teachers in Tamil Nadu are entitled to the Central Government scale. The prayer is based on a comparative claim without demonstrating a corresponding legal obligation on the part of the State. Though some representations may have been received, the learned Additional Government Pleader contends that mere pendency or non-consideration of the representation does not confer an enforceable legal right unless there is an existing entitlement. Furthermore, the Association cannot assert individual service rights of members in a generalised manner without specific authorization or power of attorney from the affected individuals.



W.P.(MD)No.18556 of 2025

WEB COPY

8. After hearing both sides and perusing the records, this Court is of the view that the petitioner Association, being a non-recognised body, cannot espouse individual service claims or seek parity in pay scales on behalf of its members. In the absence of a recognised legal status, the Association does not possess the requisite standing to maintain the writ petition.

9. Further, the pay scales are fixed by the Government in consultation with the Pay Commissions and that judicial interference in such matters is limited, particularly, when no statutory right or constitutional violation is established. This Court noted that merely because, the Central Government or other State Government teachers receive a higher pay scale, the petitioner cannot claim a right to equal pay, especially, when the service conditions and pay structures differ.

10. This Court is also of the view that non-consideration of the representation, in the absence of a pre-existing enforceable right, does not amount to infringement of fundamental rights and hence, no Writ of Mandamus can be issued in such a case.



W.P.(MD)No.18556 of 2025

WEB COPY

11. The petitioner failed to produce any concrete material to establish hostile discrimination or unjust denial of benefits *vis-a-vis* similarly placed individuals within the same service under the Tamil Nadu Government.

12. In the light of the above observations, this Writ Petition stands dismissed, holding that the petitioner Association has no *locus standi* and that the relief sought pertains to a policy matter, in which, this Court would not interfere in the absence of any legal or constitutional infirmity. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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09.07.2025

To:-

- 1.The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai - 600 006.



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W.P.(MD)No.18556 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.18556 of 2025

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