



W.P.(MD)No.18521 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.18521 of 2021
and
W.M.P.(MD).No.15293 of 2021

A.Indirani

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai 600 006.
- 3.The District Educational Officer,
Thoothukudi District, Thoothukudi.
- 4.The Block Educational Officer,
Vilathikulam Union,
Thoothukudi District.

... Respondents

PRAAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus, calling for the records relating to



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the impugned proceeding issued by the fourth respondent BEO in A.Thi.Mu.No. 506/Aa8/2020, dated 08.10.2020 and quash the same and further direct the respondents to rectify the pay anomaly and re-fix the petitioner's pay at least on a par with her junior namely Mrs.A.Maria Jancy Rani, Headmistress, Pallakulam Panchayat Union primary School, Vilathikulam, Thoothukudi District with effect from 07.02.2016 and pass such further suitable other / orders as this Court.

For Petitioner	: Mr.I.G.Ivyn, for M/s. Isaac Chambers
For Respondents	: Mr.S.Shaji Bino, Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 08.10.2020 passed by the fourth respondent, rejecting the petitioner's request to rectify the pay anomaly with her junior, namely, Mrs.A.Maria Jancy Rani.

2. Under the impugned order, the request for rectification of pay anomaly of the petitioner has been rejected on the ground that both the petitioner and Mrs.A.Maria Jancy Rani come from different unions and therefore, the pay anomaly cannot be rectified. However, in the counter filed before this Court by the third respondent, different reasons have been given in Paragraph No.12 for rejecting the petitioner's request. Paragraph No.12 of the counter-affidavit filed by the third respondent before this Court is reproduced hereunder:



“12.It is further submitted that as mentioned earlier, the service particulars of both the senior and junior shall be the same while rectifying pay anomaly between them. In the present case, the petitioner got promotion from Secondary Grade Teacher to Primary School Headmaster as early as on 16.08.2010. Subsequently, the State Government had taken a policy decision in G.O.(Ms).No.23, Finance Department dated 12.01.2011 by which, the Secondary Grade Teachers were granted Rs.750/- as personal pay, whereas the working Primary School Headmasters are not eligible for such monetary benefits under the G.O.(Ms).No.23.”

3. As seen from paragraph No.12 of the counter-affidavit, the petitioner got promotion from the post of Secondary Grade Teacher to Primary School Headmistress as early as on 16.08.2010. Subsequently, the said Government had taken a policy decision in G.O.(Ms).No.23, Finance Department, dated 12.01.2011 by which, the Secondary grade Teachers were granted Rs.750/- as personal pay, whereas the working Primary School Headmasters were not eligible for such monetary benefits under the said Government Order. The petitioner's junior, Mrs.A.Maria Jancy Rani, who continued to work as a Secondary Grade Teacher, was entitled for personal pay as per the said



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Government Order. Since the petitioner was promoted to the post of Primary School Headmistress as early as on 16.08.2010 prior to the passing of G.O. (Ms).No.23, dated 12.01.2011, she was not entitled to personal pay of Rs.750/- as per the said Government order. However, under the impugned order, the reasons given by the fourth respondent for rejecting the petitioner's request is totally different from the reasons given in Paragraph No.12 of the counter-affidavit filed by the third respondent before this Court for rejecting the petitioner's request.

4. The learned counsel appearing for the petitioner relies upon various decisions rendered by this Court, wherein, it has been held that just because an employee comes from a different union, there cannot be pay anomaly. But, however, since in the counter-affidavit filed by the third respondent before this Court, the respondents did not give the very same reason, necessarily, the impugned order dated 08.10.2020 has to be quashed on the ground that the same has been passed by total non-application of mind that too without granting any opportunity to the petitioner to submit his explanation as to why her request for rectification of pay anomaly has to be granted.



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5. For the foregoing reasons, the impugned order dated 08.10.2020 passed by the fourth respondent is hereby quashed and the matter is remanded back to the fourth respondent for fresh consideration on merits and in accordance with law. The petitioner is directed to submit her explanation to the fourth respondent within a period of twelve weeks from the date of receipt of a copy of this order as to why the pay anomaly has to be rectified with her junior Mrs.A.Maria Jancy Rani. On receipt of the said explanation within the stipulated time, the fourth respondent after giving due consideration to the explanation submitted by the petitioner shall pass final orders on merits and in accordance with law within a period of twelve weeks thereafter.

6. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

28.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

1.The Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.

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

3.The District Educational Officer,
Thoothukudi District, Thoothukudi.

4.The Block Educational Officer,
Vilathikulam Union,
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ABDUL QUDDHOSE, J.

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