



WP(MD). No.23859 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 25.09.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.23859 of 2025

R.Latha

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus, Nungampakkam,
Chennai - 6.

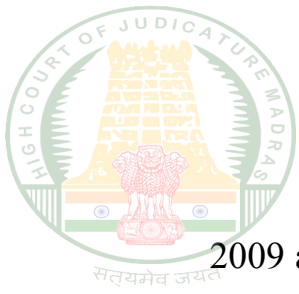
2. The District Educational Officer,
(Elementary), Uthamapalayam,
Theni District..

3. The Block Educational Officer,
Cumbum, Theni District - 625 516.

4. The Secretary,
Kasthuribai Middle School,
Kamayagoundanpatti,
Theni District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.3 to rectify the anomaly of junior getting more pay than the senior by way of re-fixing the salary of the petitioner as Rs.23,580/- with effect from 30.12.2015 on par with the petitioners junior one Mr. Senthilnath in the light of the Rule 5 of the Tamil Nadu revision of Scale of Pay Rules,



WP(MD). No.23859 of 2025

2009 and disburse the monetary benefits including arrears by considering the representation of the petitioner dated 04.08.2025 within the time period stipulated by this Court.

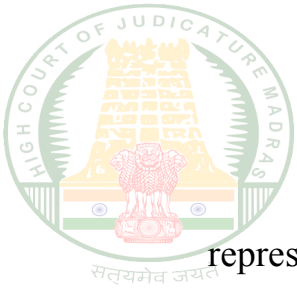
For Petitioner : M/s.S.Anusha

For Respondents : Mr.N.Satheesh Kumar,
Additional GovernmentPleader for R1 to R3

ORDER

This writ petition has been filed for a Mandamus to direct the third respondent to rectify the anomaly of junior getting more pay than the senior by way of re-fixing the salary of the petitioner as Rs.23,580/- with effect from 30.12.2015 on par with the petitioner's junior one Mr. Senthilnath in the light of the Rule 5 of the Tamil Nadu Revision of Scale of Pay Rules, 2009 and disburse the monetary benefits including arrears by considering the representation of the petitioner dated 04.08.2025 within the time period stipulated by this Court.

2. The learned counsel for the petitioner would submit that there has been a pay anomaly between the pay received by the petitioner and one of the junior by name M.Senthilnath and hence, he had made a



WP(MD). No.23859 of 2025

representation to correct the pay anomaly in the light of the Rule 5 of the Tamil Nadu Revision of Scale of Pay Rules, 2009.

3. The learned Additional Government Pleader would submit that the pay anomaly had arisen for the reason that the said junior had been given increment due to whom having a higher qualification. Therefore, such concession extended to a person, who has a higher qualification cannot be extended to the petitioner and he does not have a such qualification and therefore, such difference of pay cannot said to be an anomaly that can be separate. In support of his contention, he had also relied upon a judgment of the Division Bench of this court in W.A. (MD)No.882 of 2025, dated 14.08.2025 and contend that when in a normal course of pay fixation, there is no anomaly, a concession based on the submission of higher educational qualification cannot be created as a pay anomaly, therefore, he prays this Court the writ petition may be dismissed.

4. I have heard the learned counsel on either side and perused the materials on record.



WP(MD). No.23859 of 2025

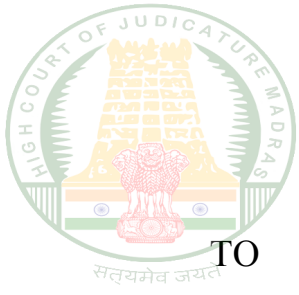
WEB COPY

5. As rightly pointed out by the learned Additional Government Pleader only if in the normal course of pay fixation, if a junior with the higher pay then that of the petitioner then such pay anomaly can be rectified, if a junior is given higher pay on a concession such a grant of increment for higher educational qualification or passing of Departmental test. Such increments given to the junior will not give rise to a pay anomaly, the same principle has been enunciated by the Hon'ble Division Bench of this court in a judgment relief upon by the learned Additional Government Pleader. This Court is bound by the decision of the Hon'ble Division Bench of this Court. For the aforesaid reasons, I do not find any merits in the writ petition warranting direction to the respondents to consider the representation of the petitioner to rectify the pay anomaly.

6. Hence, this Writ Petition stands dismissed. No order as to costs.

25.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS



WP(MD). No.23859 of 2025

TO

WEB COPY

1. The Director of Elementary Education,
DPI Campus, Nungampakkam,
Chennai - 6.
2. The District Educational Officer,
(Elementary), Uthamapalayam,
Theni District..
3. The Block Educational Officer,
Cumbum, Theni District - 625 516.
4. The Secretary,
Kasthuribai Middle School,
Kamayagoundanpatti,
Theni District.



WEB COPY



WP(MD). No.23859 of 2025

K.KUMARESH BABU,J

LS

WP(MD) No.23859 of 2025

25.09.2025