

W.P.(MD) No.15921 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 30.07.2025

Pronounced On : 19.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.15921 of 2017

P.Ravi,
No.4/263, Marudhupandiar Street,
Tahsildar Nagar,
Anna Nagar,
Madurai – 625 020.

... Petitioner

Vs.

1. The Director of School Education,
Chennai.

2. The Chief Educational Officer,
Madurai.

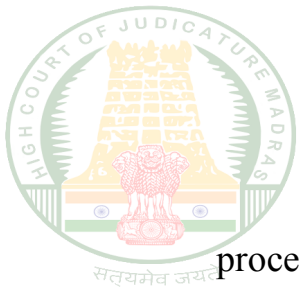
3. The District Educational Officer,
Madurai.

4. The Correspondent,
Virudhunagar Hindu Nadar
Higher Secondary School,
Madurai – 625 009.

... Respondents

PRAYER:

To issue a Writ of Certiorarified Mandamus or any other appropriate Writ or order or direction in the nature of writ calling for the records pertaining to the order passed by the 3rd respondent in his



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proceedings in Na.Ka.No.4433/B3/2017 dated 03.08.2017 and quash the same and direct the respondents to approve the proposal submitted by the 4th respondent dated 27.07.2017 and sanction the consequential monetary benefits to the petitioner and pass such further or other orders as may deem fit and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.V.Panneer Selvam, Advocate
For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 to R3

J U D G M E N T

Heard.

2. The writ petitioner is employed in the 4th Respondent private school. He was initially appointed as a Lab Assistant on 03.01.1996. Subsequently, with effect from 02.05.2002, he opted for promotion to the post of Junior Assistant. On 03.07.2017, the petitioner submitted a representation seeking re-fixation of his pay, contending that a senior was drawing a lesser salary. The school management forwarded this representation to the authorities under a covering letter dated 27.07.2017. However, by impugned order dated 03.08.2017, the 3rd



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Respondent – the District Educational Officer – returned the proposal, stating that the petitioner was not entitled to any pay re-fixation.

3. Challenging the impugned order, the petitioner filed the present writ petition. Upon issuance of notice, the respondents entered appearance and filed a counter affidavit dated 06.03.2018. In paragraphs 3 and 4 of the said counter affidavit, it has been stated as follows:

“3.It is submitted that the averments as to the facts that the petitioner was initially appointed as a Lab Assistant on 03-01-1996 and then promoted as Junior Assistant on 02-05-2002 in the same school are admitted. It is for the petitioner to prove them. The scale of pay of the petitioner in the post of Lab Assistant was 3050-75-3950-80-4590 and that of Junior Assistant was 3200-85-4900.

4. It is submitted that the Government issued order in G.O.Ms.No. 234 Finance (Pay Cell) Department dated 01-06-2009. Accordingly the pay of the Lab Assistant was as follows:-

Ordinary Scale of pay : 3050 – 75- 3950-80-4590
Selection grade scale of pay : 4000-100-6000

The petitioner was appointed as Junior Assistant in the scale of pay of Rs.3200-85-4900 on 02-05-2002. The petitioner is now claiming that had he continued as Lab Assistant he would have been granted selection grade with effect from 03-01-2006. He would have been eligible for the selection grade scale of pay of Rs. 4000-100-6000. But for his promotion he is getting lesser pay. He is mainly relying G.O.Ms.No. 57 Finance



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(Pay Cell-II) Department dated 28-01-1991. It is submitted that the G.O. has been issued mainly for the Tamil Nadu Revised Scales of pay Rules 1989 clarifying Rule 4(3). The petitioner is claiming as applicable to him even after the said period. The petitioner would have got selection grade only in the year 2006. As much as the Government has issued orders for new revised scales of pay 01-01-2006, the said Government Order cannot be made applicable. Moreover the petitioner has not given details of comparative statement to assess the loss of pay.

As there is no specific orders as to the applicability of the G.O.Ms.No.57 Finance (Pay Cell II) Department dated 28-01-1991 after the issue of orders in G.O.Ms.No. 234 Finance (Pay Cell) Department dated 01-06-2009 the revised scales of pay with effect from 1-1-2006, the question of fixation of pay under Rule 4(3) to the petitioner does not arise. The question can be taken only after the government issues specific orders that the G.O. is applicable to all time to all the Revision of scales of pay. An order to his effect was issued by the 3rd respondent in his reference Na.Ka.No. 4433/AA3/2017 dated 03.08.2017. The orders issued as per rules it needs no revision and the prayer of the petitioner is not sustainable. The Writ Petition is not maintainable.”

4. Although the petitioner has relied on certain judgments of this Court wherein relief had been granted to some individuals, it is pertinent to note that a subsequent batch of writ petitions was heard by a learned Judge and disposed of by a common order dated 05.07.2022. While considering the cases of Laboratory Assistants who had been granted



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selection grade and special grade and were thereafter promoted as Junior

Assistants, the learned Judge, in W.P. No. 21787 of 2014 and connected

batch cases, dismissed all the writ petitions, and in paragraphs 16 and 17

held as follows:

“16.The learned counsel for the petitioners made a submission that some of the juniors to the petitioners are getting more pay, than that of the petitioners. It is needless to state that Fundamental Rules stipulates that if any junior is getting more pay, the senior can submit an application for grant of equivalent pay on par with the junior by following the procedures as contemplated under the Fundamental Rules. In this regard, a comparative statement is to be filed and the authority competent have to follow the Rules in this regard. Thus, any of the petitioners are aggrieved on account of the fact that their juniors are getting more pay, in the same cadre, then they are at liberty to approach the competent authority for the purpose of redressal of their grievances.

17. However, this cannot be a ground to assail the impugned orders now passed. The impugned orders are passed in accordance with the Government Order regarding the fixation of Scale of Pay and there is no infirmity as such. The petitioners are not entitled to claim the Scale of Pay or the Grade Pay attached to the post of Selection Grade or Special Grade Laboratory Assistants as they were already promoted and are getting the Scale of Pay attached to the promoted post. This being the factum established, the writ petitioners are not entitled for the relief as such sought for in these writ petitions.”



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5. In light of the foregoing, no case has been made out, and the writ petition stands dismissed. However, there shall be no order as to costs.

19.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

Copy to:

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Chennai.
2. The Chief Educational Officer,
Madurai.
3. The District Educational Officer,
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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
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