



WEB COPY

WP No. 11505 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 11505 of 2026

P.Vargheese
S/o. Ponnann,
Neduvalam Kottuvilai Veedu,
Thickkurichy Post, Kanniyakumari District,
Pin Code - 629 168.

..Petitioner

Vs

1. The Government of Tamil Nadu
Rep. By its Secretary
School Education Department,
Fort St. George, Chennai-600 009.
2. The Director of School Education
DPI Campus College Road, Chennai -600 006.
3. The Chief Educational Officer
Kanniyakumari, Nagercoil,
(Near Veepamoodu0 Junction),
Kanniyakumari District - 629 001.
4. The District Educational Officer
Marthandam and Post,
Kanniyakumari District - 629 165.
5. The Headmaster
Government Higher Secondary School
Arumanai Post,
Kanniyakumari District -629 151

..Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing Respondents 1 to 4 rectify the pay anomaly and step up the pay of the petitioner on par with his junior namely A.Jikki Selvarani in terms of G.O. M.s. No.234 (Finance (Pay Cell) Department dated 01.06.2009 and in terms of Tamil Nadu Government Fundamental Rules 22B2 and pay arrears of Pension to the petitioner from the next date of this retirement i.e. 01.02.2016 onwards.

For Petitioner: Mr.P.Ebenezer Paul

For Respondent(s): Mrs.Mythreye Chandru,
Special Government Pleader for R1 to R5

ORDER

The writ petition has been filed seeking the following relief :

“ To direct the respondents 1 to 4 rectify the pay anomaly and step up the pay of the petitioner on par with his junior namely A.Jikki Selvarani in terms of G.O. M.s. No.234 (Finance (Pay Cell) Department dated 01.06.2009 and in terms of Tamil Nadu Government Fundamental Rules 22B2 and pay arrears of Pension to the petitioner from the next date of this retirement i.e. 01.02.2016 onwards.”

2. The petitioner herein was appointed as Part time Vocational Instructor in the 5th respondent School from 13.10.1980 to 31.03.1990 and from



01.05.1990 onwards he was functioning as full time Vocational Instructor and he had retired from service on 31.01.2016 on attaining the age of superannuation. The grievance of the petitioner is that his pay was fixed lower than that of his junior namely Mrs.A.Jikki Selvarani, who had joined the service as full time Vocational Instructor on the same day as his i.e., 01.04.1990. The petitioner would contend that the petitioner and his junior Mrs.A.Jikki Selvarani had joined the said post on the same day, however, he is senior in age to her, hence, he should be treated as senior.

3. The petitioner would submit as per G.O.Ms/No.234 (Finance Pay Cell) Department dated 01.06.2009, the pay anomaly can be rectified and refixed, in case of a junior getting more pay than senior, and as per the Fundamental Rule 22-B, if a senior is getting a less pay than his junior, then the senior's pay has to be stepped on par with his junior and therefore, he is entitled to have his pay anomaly rectified. The petitioner had submitted several representations to the respondents seeking to step up his pay on par with his juniors, since 2014 and the last of which was on 26.06.2025. Since the same was not considered by the respondents, the petitioner is before this Court with the present writ petition seeking above relief.

4. Considering the facts and circumstances of the case and also the settled position that if two persons are joining the said post on the same day, the



seniority among them will be the person senior in age and also that a senior cannot be paid a lesser salary than his junior, a mandamus is issued to the respondents to pass orders rectifying the pay anomaly and refix the salary of the petitioner on par with his junior namely A.Jikki Selvarani, and to settle the arrears of pension in terms of the refixed salary, within a period two months from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
DS



To

1. The Secretary
Government Of Tamil Nadu
School Education Department,
Fort St. George, Chennai-600 009
2. The Director of School Education
DPI Campus College Road, Chennai -600 006
3. The Chief Educational Officer
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