



WEB COPY

WA No. 1623 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1623 of 2026

and

CMP No. 14891 of 2026

1. Director of Elementary Education
DPI Campus,
Chennai 600 006.
2. The District Educational Officer
Edappadi, Mettur Block,
Salem District
3. The Block Educational Officer
Mettur Block,Edappadi,
Salem District.

..Appellant(s)

Vs

T.Vijipriya
D/o. Thangappan,
Headmistress,
Panchayat Union Middle School, Poraiyur,
Kolanaickenpatti,
Mettur Block,
Salem District

..Respondent(s)

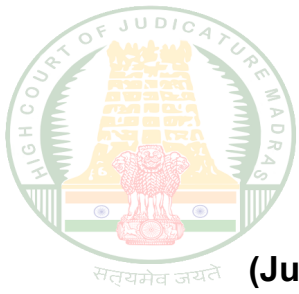
WA No. 1623 of 2026

Writ Appeal filed under Clause 15 of Letters Patent to set aside
the order dated 22-03-2024 made in WP.No.24648 of 2021.

WA No. 1623 of 2026

For Appellant(s): Dr.R.Gouri, Government Counsel

For Respondent(s): Ms.S.Suneetha for Sole Respondent



Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

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The present writ appeal has been instituted to assail the writ order dated 22.03.2024 passed in W.P.No.24648 of 2021.

2. The respondents/Education Department in the writ petition are the appellants herein. The Writ Petition has been filed challenging the order dated 11.12.2020 and to direct the 2nd respondent/District Educational Officer to issue orders for stepping up of pay of the petitioner/respondent herein on par with her junior Mirunali Raj with effect from 14.06.2018. The Writ Court had considered the same and passed an order for stepping up of pay of the petitioner/respondent herein on par with her junior.

3. The learned Government counsel would submit that the issues raised in the present writ appeal is no more *res integra*. The issues have been decided by the Division Bench of this Court, vide judgment dated 04.12.2023, in W.A.(MD).Nos.764 to 773 of 2023 etc. batch wherein, the Division Bench has passed the following orders.

4. The learned counsel for the appellants mainly contended that junior teachers in the cadre of Secondary Grade Teacher were drawing higher pay than that of their seniors and therefore, applications were filed to step up their pay on par with their juniors. The competent authorities initially stepped up the pay in favour of the appellants and subsequently, those orders were cancelled without any valid reason.



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Therefore, the Writ Court has considered the issues. It is contended that the Writ Court made observations in favour of the appellants, but has not granted the relief as sought for in the Writ Petitions and thus, the appeals are preferred.

5. The learned Additional Government Pleader appearing for the respondents mainly contended that on transfer from one Panchayat Union to another Panchayat Union, the respective appellants have lost their seniority and therefore, stepping up of pay would not arise at all in view of Rule 9 of the Tamil Nadu Elementary Education Subordinate Service Rules. More so, even to apply F.R. 22B and 27, certain requirements are to be complied with and it is not as if mere seniority and junior alone is to be taken into consideration for stepping up of pay. Relevant service particulars and the applicability of the Fundamental Rules are to be verified for stepping up of pay.

6. We are not inclined to go into the relative merits, since the learned Single Judge in the order impugned has directed the Secretary to Government, School Education Department to decide the issues on merits and in accordance with law. Such an order would not cause prejudice to the appellants and they are at liberty to submit their respective applications/objections along with the documents, if any, to the Secretary to Government, School Education Department for consideration. It is needless to state that the



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Government is the final authority to take a call in respect of these financial matters and more so, large scale financial implications are involved. Thus, the Government has to take a decision by considering the merits and by applying the relevant Rules for the purpose of stepping up of pay of the appellants.

7. While considering the cases of the appellants, the Secretary to Government, School Education Department is directed to apply the Rules based on the merits involved and decide independently and uninfluenced by the observations made in the impugned order in either way.

8. In view of the fact that the Secretary to Government, School Education Department is not a party either in the Writ proceedings or in the present Writ Appeals, we are inclined to suo motu implead the Secretary to Government, School Education Department, Fort St.George, Chennai – 600 009, as respondent in the Writ Appeals. Mr.D.Sadiq Raja, learned Additional Government Pleader, takes notice for the impleaded respondent.

9. The impleaded respondent, Secretary to Government, School Education Department is directed to complete the said exercise as expeditiously as possible and by verifying the service particulars of the writ appellants.

10. With the above direction, the Writ Appeals are disposed of. There shall be no order as to



costs. Consequently, connected miscellaneous petitions are closed.

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4. Since the issue is squarely covered by the judgment referred to above, the appellants are directed to apply the Rules based on the merits involved and after verifying the service particulars of the respondent herein, decide the case as expeditiously as possible. Accordingly, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
23-06-2026

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

VSI

To
T.Vijipriya
D/o. Thangappan,
Headmistress,
Panchayat Union Middle School, Poraiyur,
Kolanaickenpatti,
Mettur Block,
Salem district



WEB COPY

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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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