

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.3581 of 2023 and
C.M.P.No.29326 OF 2023

1. The Secretary To Government
School Education Department,
Fort St.George, Chennai-600 009.
2. The Director of Elementary Education
College Road, Chennai-600 006
3. The District Elementary Education Officer
Thiruvannamalai District, Thiruvannamalai
4. The Assistant Elementary Education Officer
Vembakkam Panchayat Union,
Thiruvannamalai District
5. The District Educational Officer
Cheyyar Education District, Cheyyar ,
Thiruvannamalai District

... Appellants/R1 to
R4 & R6

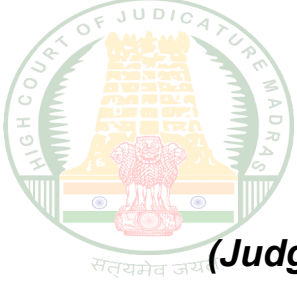
-VS-

- | | |
|--------------------|-----------------------------|
| 1. M.Seetha | ... Respondent / Petitioner |
| 2. Thiru.A.Sampath | ... Respondent / R5 |

Prayer: To set aside the order dated 23.01.2023 passed in
W.P.No.13232 of 2016 and allow the above Writ Appeal.

For Appellants: Dr.R.Gouri, Govt. Counsel

For Respondents: No Appearance



J U D G M E N T

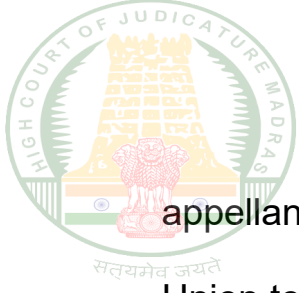
(Judgment of the Court was delivered by S.M.Subramaniam,J.)

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Writ Appeal has been instituted, challenging the order dated 23.01.2023 passed in W.P.No.13232 of 2016. State preferred the present Writ Appeal.

2. The respondents were initially appointed as Secondary Grade Teachers on 08.10.1996 in Primary School at Vembakkam Panchayat Union, Tiruvannamalai District and on 04.08.1997 at Panchayat Union Primary School in Kanchipuram District respectively. On completion of ten years of service, Selection Grade was awarded. Respondents were further promoted to the post of Primary School Headmasters on 30.06.2012 and 24.07.2012 respectively,

3. The grievance of the respondents is that the pay anomaly occurred between the juniors and seniors were not rectified. In other words, their claim for stepping up of pay on par with their respective juniors was initially considered by the authorities, but those orders were subsequently cancelled. Thus, the respondents were constrained to move the Writ proceedings.



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4. Learned Government Counsel appearing for the appellants would mainly contend that on transfer from one Panchayat Union to another Panchayat Union, the respective respondents 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. Without considering all these aspects, learned Single Judge granted the relief as such to respondents, which is warranting interference by this Court.

5. We are not inclined to go into the merits of the matter. A Division Bench of Madurai Bench of Madras High Court, in an identical issue relating to pay anomaly, in a batch of cases in **V.K.Kannan vs. The Director of Elementary Education, Chennai**¹, held as follows:

“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

¹[W.A.(MD) Nos.764 to 773 of 2023 etc., batch] decided on 04.12.2023



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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 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.”

6. In view of the above, the order of Writ Court dated 23.01.2023 passed in W.P.No.13232 of 2016 is liable to be set aside, warranting interference by this Court. Accordingly, the present Writ Appeal is allowed. The impugned order dated 23.01.2023 is set aside. The Secretary to Government, School Education Department is directed to decide the issues on merits and in accordance with law. The respondents herein 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. On receipt of any such applications/objections, 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 respondents.

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7. It is made clear that while considering the cases of respondents, 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. The 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 respondents herein. 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
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S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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