



W.P.(MD) No.1571 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.1571 of 2023

S.Helen Anitha

... Petitioner

Vs.

1.Director of Secondary Education,
DPI Complex, College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

3.District Educational Officer,
Thoothukudi District,
Thoothukudi.

4.The Correspondent,
TDTA Higher Secondary School,
Chrishtianagaram,
Thoothukudi - 628 203.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by second respondent vide Proceeding No.Oo.Mu.No.4043/Aa3/2020 dated 23.12.2020 and consequent order passed by the third respondent vide Proceeding No.Oo.Mu.No.



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5147/A5/2019, dated 07.01.2021 and quash the same as illegal and devoid of merits and direct the respondents to revise the petitioner's scale of pay based on the last pay drawn by the petitioner on 06.08.2014 at Nathan Girls Higher Secondary School, Nerkundram, Ponneri, Educational District, Thiruvallur District and confer all other consequential benefits.

For Petitioner : Mr. Raja.Karthikeyan

For R1 to R3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first to third respondents.

2. This Writ Petition has been filed challenging the order of the second respondent dated 23.12.2020 bearing reference No.Oo.Mu.No. 4043/Aa3/2020 and the consequential order of the third respondent dated 07.01.2021 bearing reference No.Oo.Mu.No.5147/A5/2019.

3. The petitioner, who was initially appointed as B.T. Assistant (Science) in Nathan Girls Higher Secondary School, Nerkundram, Ponneri Educational District, Thiruvallur District on 04.06.2007, was



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subsequently selected and appointed as B.T. Assistant (Science) in

T.D.T.A. Higher Secondary School, Christianagaram, Thoothukudi District on 08.08.2014 under C.S.I. - Thoothukudi Nazareth Diocese Corporation Management.

4. Accordingly, she was relieved from the previous school and joined T.D.T.A. Higher Secondary School, Christianagaram, Thoothukudi District on 08.08.2014. However, the pay of the petitioner was fixed in T.D.T.A. Higher Secondary School treating her as a fresh appointee without taking into consideration the services rendered by her in Nathan Girls Higher Secondary School.

5. Hence, the petitioner made a claim for fixation of her pay by duly taking into consideration the service rendered by her in the previous school. The said claim of the petitioner was rejected by the second respondent through the impugned proceedings dated 23.12.2020 and the same was communicated to the petitioner through the proceedings dated 07.01.2021. Aggrieved by the said proceedings dated 23.12.2020 and 07.01.2021, the petitioner has filed the present Writ Petition.



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6. The learned counsel for the petitioner submits that in terms of various Government Orders issued from time to time, including G.O.(Ms) No.536, Education and Public Health Department, dated 13.04.1986, G.O. (Ms) No.1580, Education Department, dated 18.10.1969 and G.O.(Ms) No.992, Education Department, dated 22.06.1979, the petitioner herein is entitled to count the services rendered by her in the previous school for the purpose of fixation of pay in the school in which she was subsequently appointed. He also places reliance on the decision of a learned Single Judge of this Court in W.P.No.6714 of 2018 dated 08.12.2022 [***G.Senthilkumar vs. Director of Elementary Education, Chennai – 600 006 and others***] as well as the decision of the Hon'ble Division Bench of this Court in W.A.No.3868 of 2019 dated 16.10.2020 [***The Secretary to Government, Department of School Education, Fort St. George, Chennai – 600 009 and another vs. G. Rufus David***].

7. On the other hand, the learned Additional Government Pleader appearing for the first to third respondents places reliance on the decision of another Hon'ble Division Bench of this Court in W.A.No.1118 of 2019



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dated 05.03.2021 [*The Government of Tamil Nadu, rep. by the Secretary*

to Government, School Education Department, Fort St. George, Chennai – 9 and others vs. S. Arulmani] to contend that the petitioner is not entitled to count the past services rendered by her in the previous school for the purpose of fixation of pay.

8. This Court has carefully considered the submissions made on either side and also perused the entire material available on record.

9. As far as the decision relied upon by the learned Additional Government Pleader in W.A.No.1118 of 2019 dated 05.03.2021 [*The Government of Tamil Nadu, rep. by the Secretary to Government, School Education Department, Fort St. George, Chennai – 9 and others vs. S. Arulmani*] is concerned, this Court is of the view that the same has no application to the facts of the present case, since it deals with a totally different set of facts relating to the appointment in Government service, whereas in the present case, the appointment of the petitioner was in two aided schools, which is specifically covered by various Government Orders issued from time to time. In the considered view of this Court, the case of the petitioner is squarely covered by the decision of the Hon'ble



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Division Bench of this Court in W.A.No.3868 of 2019 dated 16.10.2020

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[The Government of Tamil Nadu, rep. by the Secretary to Government,

School Education Department, Fort St. George, Chennai – 9 and others

vs. S. Arulmani]. For better appreciation, the relevant paragraph from the

said decision is extracted below:

“14. It is evident from the aforesaid order passed by the Government that the service rendered by a Government servant, in the same service or to another service by method of recruitment by transfer, is entitled for refixation of pay. In Para No. 2 of the above Government Order, it has been clearly stated that the above order will be applicable to the staff employed in all recognised schools under the management of aided agencies and local bodies. Therefore, the respondent/writ petitioner, who was appointed earlier in an aided school, is entitled for the benefit of re-fixation on his appointment to the post of B.T. Assistant in Government Service. Therefore, as per the order passed by the Government, mentioned supra, the service rendered by the respondent-writ petitioner in an Aided School shall be counted for the purpose of fixation of his pay on his appointment to the post of B.T. Assistant. The appointment of the respondent/writ petitioner to the post of B.T. Assistant is by way of transfer of appointment and he cannot be treated as a fresh appointee in the post of B.T. Assistant. This is also in tune with Rule 3(I)(IV) of the Special Rules for Tamil Nadu Educational Subordinate Service. In such circumstances, it cannot be contended by the appellants that the respondent's appointment as B.T. Assistant is as per his own wish and he is not entitled for protection of his pay. When the appellants have decided to count the past service of the respondent/writ petitioner for the purpose of conferment of pensionary benefits on his retirement, equally, the



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same yardstick has to be resorted to by the appellants for re-fixation of his pay during the course of his service as B.T.Assistant. It is to be noted that, as on 02.01.2009, when the respondent/writ petitioner was relieved, his Basic Pay was Rs.16,650 along with admissible Grade Pay. However, on his appointment to his higher post as B.T. Assistant, his pay was fixed only as Rs.14,630/- with applicable pay. On appointment to a higher post, the respondent-writ petitioner cannot be deprived of re-fixation of pay, taking into account the past service rendered in the Aided School. The learned Single Judge also, on appreciation of the above factual as well as legal grounds, has rightly allowed the writ petition filed by the respondent and we see no reason to interfere with the same."

10. In the light of the above decision of the Hon'ble Division Bench of this Court in W.A.No.3868 of 2019 dated 16.10.2020, this Court does not see any reason to re-adjudicate the matter afresh and is of the considered view that the issue is squarely covered by the said decision. In view of the above, the impugned orders are liable to be quashed and accordingly they are quashed. The respondents are directed to take into consideration the services rendered by the petitioner in Nathan Girls Higher Secondary School, Nerkundram, Ponneri Educational District, Thiruvallur District, for the purpose of fixation of pay in T.D.T.A. Higher Secondary School, Christianagaram, Thoothukudi District, to which she was appointed on 08.08.2014 and calculate the amount payable to the



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petitioner consequent to the refixation of pay and release the same as expeditiously as possible, at any rate within a period of twelve (12) weeks from the date of receipt of a copy of this order.

11. Accordingly, this Writ Petition is allowed. No costs.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

To

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MUMMINENI SUDHEER KUMAR, J.

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