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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.DILIP KUMAR

WP(MD) No. 4746 of 2021

CNR:{HCMD010163902021}

K.Lingarajan

..Petitioner(s)

Vs

1. The Joint Director,
   Tamil Nadu School Education Department,
   Chennai.

2. The Chief Educational Officer,
   Ramanathapuram District,
   Ramanathapuram

3. The Head Master,
   Bahurdeen Goverment Higher Secondary School,
   Panaikulam,
   Ramanathapuram District.

..Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the 1st respondent impugned order in O.Mu.No.011665/L/E5/2019 dated 24.8.2020 and quash the same and consequently direct the respondents to pay me the equal pay from 23.08.2016 the date on which the petitioner's junior was promoted and given higher pay to the post of PG Assistant and pay anomaly arises.

For Petitioner(s): Mr. N.S. Karthikeyan

For Respondent(s): Mrs.J.Saranya
Government Advocate for R1 to R3.

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ORDER

This writ petition is filed by the petitioner challenging the proceedings of the 1st respondent dated 24th August 2020 and for a consequential direction to provide pay parity to the petitioner from 23rd August 2016 with his immediate junior who is drawing a higher pay in the post of PG Assistant and also rectify the pay anomalies.

2. The writ petitioner is claiming parity pay with his junior, Mr. K Suresh. Both the writ petitioner and the said Mr. K. Suresh were recruited as BT Assistants. While the petitioner joined duty as a BT Assistant on 1st June 2006 and was given promotion as a PG Assistant on 17th October 2015, his junior, Mr. K. Suresh joined as a BT Assistant on 17th July 2006 and after completion of 10 years in this post of BT Assistant received Selection Grade in the said post on 17th July 2016 and thereafter was promoted to the post of PG Assistant on 23rd August 2016.

3. Thus, because the petitioner got promoted as a PG Assistant before completing 10 years in the post of BT Assistant, he did not receive Selection Grade scale of pay in the post of BT Assistant, while his junior Mr. K. Suresh was having the said benefit and this led to disparity in pay between the petitioner and his junior Mr. K. Suresh who is drawing a higher pay than the petitioner.

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4. Though both of them have been placed in the same scale of pay, both in the post of PG Assistant and also in the earlier post of BT Assistant, the learned counsel for the petitioner accordingly prays for appropriate orders in his favor and he would contend that the impugned order is absolutely lacking in merit as it had completely overlooked this proposition and the impugned order is passed without any application of mind.

5. Per contra, Mrs. J. Saranya, learned Government Advocate appearing for the respondents would support the impugned order and would submit that, the petitioner was promoted as a PG Assistant even before he acquired a Selection Grade in the post of BT Assistant and his request was rightly declined and there is no infirmity in the order impugned. She accordingly prays for the dismissal of the writ petition.

6. The facts are not in dispute. The writ petitioner is admittedly senior in service to Mr. K. Suresh in the post of BT Assistant and also in the promotional post of PG Assistant. The disparity in pay between the writ petitioner and Mr. K. Suresh arose, only because of the promotion of Mr. K. Suresh to the post of PG Assistant, after he received Selection Grade scale of pay in the post of BT Assistant, upon completion of 10 years of service in the said post. The writ petitioner admittedly was promoted to the post of PG Assistant on 17th October 2015, even before

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he completed 10 years of service in the post of BT Assistant. This anomaly is requested to be rectified by the writ petitioner by referring to G.O.Ms. No. 303, Finance (Pay Cell) Department dated 11th October 2017.

7. It is useful to refer to the earlier judgments of this Court in WP(MD) No. 6445 of 2023, etc. Batch decided on 12th October 2023. The relevant portion of the said judgment is extracted as under:

> *"26.Here in the case in hand, the petitioners, before getting Special Grade, since got promotion due to seniority, are getting lower pay, whereas the third respondent admittedly junior than the petitioners, since got or she was able to get conferment of Special Grade also, before she gets promotion, her pay has been stepped up, which is comparatively higher than these petitioners. Therefore, what has been meant at Para~V of the said Government Order, as extracted above, exactly the same situation, where the petitioners are now placed. Therefore, this Court feels that, the import of Government Order, especially, in the context of Para~V of G.O.Ms.No.25, as extracted above, i.e. the benefit envisaged therein, can very well be applied and can be extended to the petitioners.*
>
> *The difference in salary between the petitioners and the junior K.S.Deepa Jaya Sree has occurred only as a result of the movement of the senior to a promoted post before moving to the special grade in the lower post and the junior*

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K.S.Deepa Jaya Sree getting more salary is only due to her promotion after moving to special grade in the revised scale of pay in the post of Secondary Grade Teacher as a result of the introduction of the Tamil Nadu Revised Scales of pay Rules, 2019. Since all the petitioners and the junior K.S.Deepa Jaya Sree were appointed as an identical cadre of post ie., Secondary Grade Teacher at the time of appointment and where thereafter promoted to the same cadre of post ie., Headmaster of Government Primary Schools, the seniors are entitled to pay parity with their junior."

8. The precedent cited supra, would categorically demonstrate that if a junior candidate is drawing a higher pay because of the movement of the senior to the promoted post before they moved either to the Selection Grade or to the Special Grade in the lower post, the pay anomaly that arises should be set right and the protection of pay should be given to the senior and they should be drawn at par with the junior who is drawing a higher pay.

9. The very purpose of introducing the benefits of pay parity will be defeated if the contentions raised on the side of the respondent department is sustained. It would then render the entire purpose of having a pay parity otiose.

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10. Accordingly, the writ petition stands allowed and the following order is passed:

1) The impugned order dated 24.08.2020 passed by the 1st respondent is hereby *set aside.*

2) The respondents are hereby directed to maintain parity in pay between the writ petitioner and his immediate junior Mr. K. Suresh and all the arrears shall be paid to the writ petitioner within a period of eight [8] weeks from the date of uploading of a copy of this order.

26-10-2026

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

psa

To
1. The Joint Director,
   Tamil Nadu School Education Department,
   Chennai.

2. The Chief Educational Officer,
   Ramanathapuram District,
   Ramanathapuram

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N. DILIP KUMAR, J.
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WP(MD) No. 4746 of 2021

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