



**W.A.(MD) No.1315 of 2023**

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
and  
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.A.(MD) No.1315 of 2023**

**and**

**C.M.P.(MD)No.9939 of 2023**

O.R.Mohan Rajan

... Petitioner/Appellant

-VS-

- 1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
School Education Department,  
St. George Fort, Chennai-9.
- 2.The Commissioner of School Education,  
Office of the Commissioner of School Education,  
College Road, DPI Compound,  
Chennai-600 006.
- 3.The Director of Elementary Education,  
Office of the Directorate of Elementary Education,  
DPI Compound, College Road,  
Chennai-6.
- 4.The Chief Educational Officer,  
Office of the Chief Educational Officer,  
Theni, Theni District.



**W.A.(MD) No.1315 of 2023**

WEB C

5.The District Elementary Educational Officer,  
Office of the District Elementary Educational Officer,  
Theni.

6.Sri Onnuramaswamy Middle School,  
Rep. by its Correspondent,  
Thevaram, Theni District.

... Respondents/Respondents

**PRAYER:** Writ Appeal has been filed under Clause 15 of Letters Patent to set aside the order, dated 17.04.2023 made in W.P.(MD)No.8857 of 2023 on the file of this Court.

For Appellant : Mr.K.Appadurai

For R1 to R5 : Mr.D.Sachikumar  
Additional Government Pleader

### **J U D G M E N T**

**[Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.]**

This Writ Appeal is directed against the order of the learned Single Judge dated 17.04.2023 in W.P.(MD)No.8857 of 2023 in and by which the writ petition filed by the appellant was dismissed. The writ petition was filed by the appellant with a prayer of a writ of mandamus to direct the first respondent, namely, the Secretary to Government, School Education Department to



**W.A.(MD) No.1315 of 2023**

consider his representation dated 28.02.2023 to extend the benefits of G.O.Ms.No.210, School Education (G1) Department, dtd 14.08.2019 for advancement of Selection Grade with effect from 23.02.1996, Special Grade with effect from 23.02.2006 and Super Grade with effect from 23.02.2016 in the light of the order passed by this Court in W.A.No.34 of 2017 etc., dated 03.01.2019 and W.A.Nos.73 of 2016 etc, dated 26.03.2019.

2. It is the case of the appellant/petitioner that he was appointed as a Secondary Grade Teacher on 24.09.1980. Thereafter, he was promoted as B.T., Middle School Headmaster on 01.12.1993 and he attained superannuation on 31.08.2018. In the post of Middle School Headmaster, the appellant was awarded selection grade with effect from 01.12.2003. However, the School Education Department passed G.O.Ms.No.210, dated 14.08.2009 whereby, it was directed to take the service as Secondary Grade Teacher for the purpose of granting selection grade. However, when the benefit of the said G.O. was restricted by another G.O.Ms.No.190, the same came to be challenged by way of writ petitions and ultimately by the orders in the writ appeals referred above, the said G.O. was quashed and the benefits were extended to the other teachers, who are similarly situated to the appellant/petitioner also. Therefore, the appellant/petitioner has filed the writ



**W.A.(MD) No.1315 of 2023**

petition praying for the said benefit. The said writ petition was resisted on the ground that the appellant/petitioner has granted Selection Grade and Special Grade in the post of Middle School Headmaster and therefore, he cannot once again seek the benefit of G.O.Ms.No.210.

3. Heard Mr.K.Appadurai, learned counsel appearing on behalf of the appellant and Mr.D.Sachikumar, learned Additional Government Pleader appearing on behalf of the respondents 1 to 5.

4. On a perusal of G.O.Ms.No.210, it can be seen that a total number of 65 teachers have specifically obtained orders from the Tamil Nadu Administrative Tribunal to consider their services prior to 01.06.1988 as Secondary Grade Teacher for the purpose of grant of selection grade etc., as per the V Pay Commission recommendation and the G.O. is passed only in respect of them. A perusal of the earlier orders on which, the appellant claims parity it would be clear that it is not *per se* a matter of parity of pay scale or up-gradation of pay scale. At the first instance, on account of the pay disparity which was a result of the V Pay Commission with effect from 01.06.1988 by granting additional increment to the Primary School Headmaster and because the Secondary Grade Teachers who continued in the middle school were not



**W.A.(MD) No.1315 of 2023**

granted an option, the tribunal passed the orders during the years 1996 etc. Thereafter, 63 other teachers to whom the appellant/petitioner claims a parity approached the Tribunal and obtained orders in the year 2002. Thereafter, similar benefits were extended to the other persons, who filed writ petitions and ultimately G.O.Ms.No.210 was passed in the year 2007 which was sought to be restricted in the year 2010 vide G.O.Ms.No.190 which was set aside by this Court. But the appellant/petitioner never chose to challenge his grant of selection grade or special grade that too in the promotional post of Middle School Headmaster. It cannot be said that the grant of selection grade pay etc., are automatic. The petitioner had to prove that he was put to disadvantage and his junior drew more pay and that he was not granted an option etc. All that cannot be done at this belated point of time especially when the writ petition has been filed post retirement after the master and servant relationship cease to exist. The appellant/petitioner retired upon superannuation in the year 2018 and thereafter, has filed the present writ petition only in the year 2023. Therefore, the writ petition filed by the petitioner is hopelessly hit by delay and laches and as rightly held by the learned Single Judge, the petitioner essentially wants to have a re-look of his entire service carrier which cannot be now permitted and therefore, we are in agreement with the learned Single Judge in dismissing the writ petition.



**W.A.(MD) No.1315 of 2023**

WEB COPY

5. Accordingly, finding no merits, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**[S.S.S.R., J.] [D.B.C., J.]**

**17.08.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
sjj  
To:

- 1.The Secretary to Government,  
State of Tamil Nadu,  
School Education Department,  
St. George Fort, Chennai-9.
- 2.The Commissioner of School Education,  
Office of the Commissioner of School Education,  
College Road, DPI Compound,  
Chennai-600 006.
- 3.The Director of Elementary Education,  
Office of the Directorate of Elementary Education,  
DPI Compound, College Road,  
Chennai-6.
- 4.The Chief Educational Officer,  
Office of the Chief Educational Officer,  
Theni, Theni District.
- 5.The District Elementary Educational Officer,  
Office of the District Elementary Educational Officer,  
Theni.



WEB COPY



**W.A.(MD) No.1315 of 2023**



WEB COPY



**W.A.(MD) No.1315 of 2023**

**S.S.SUNDAR, J.**  
**and**  
**D.BHARATHA CHAKRAVARTHY, J.**

sjj

**W.A.(MD) No.1315 of 2023**  
**and**  
**C.M.P.(MD)No.9939 of 2023**

**17.08.2023**