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W.A.No.3930 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE **R.SURESH KUMAR**

AND

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

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- 1.R.Poyyamozhi
- 2.A.Manickam
- 3.K.Ambigapathy
- 4.G.Seetharaman
- 5.M.Natarajan
- 6.M.Krishnan
- 7.V.Sivagurunathan
- 8.M.Mani Gounder
- 9.M.Francis

... Appellants

Vs.

- 1.The Principal Secretary to Government,
Department of School Education,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

- 2.The Director of Elementary Education,
College Road, Chennai – 600 006.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order of this Court dated 13.09.2023 in W.P.No.22229 of 2022.



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For Appellants

:Mr.P.Mohanraj

For Respondents

:Mr.J.C.Durairaj, AGP

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JUDGMENT

(JUDGMENT MADE BY **V.LAKSHMINARAYANAN, J.**)

This intra court appeal challenges the order of the learned Single Judge in W.P.No.22229 of 2022 dated 13.09.2023. By the said writ petition, the petitioners sought the extension of benefits granted under G.O.Ms.No.19, School Education dated 07.02.2019 to themselves.

2. The petitioners were appointed as Assistant Elementary Education Officers (hereinafter referred to as the 'AEEO') from 1995 to 2008. All of them started retiring from service from 2001 onwards with the first petitioner being the last retiring on 31.05.2018. They plead that the post of AEEO was created in 1995 and the petitioners, who had joined as Secondary Grade Teachers, had carried on their responsibilities to the best of their abilities.

3. The Government issued a Government Order in G.O.Ms.No.19 dated 07.02.2019 whereby, the scale of pay was revised for AEEOs to level 18 instead of level 17 of the pay matrix as per the Tamil Nadu Revised Pay Rules of 2017. By virtue of the said GO, the post of AEEO



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had been made a promotional post. The petitioners pleaded fixing the pay only from the date of Government Order and not from the date on which the post was created, amounts to " rational discrimination and does injustice to those who had served and retired as AEEOs". Hence, they gave representations to the respondents on 04.07.2022, 08.07.2022 and 15.07.2022 requesting extension of the benefit of the Government Order to themselves. As the same had not been considered, they came forward with a writ petition.

4. The learned Single Judge took a view that prior to the Government Order, the Middle School Headmaster was the feeder category for AEEO and the change in Government Policy came into effect only from 07.02.2019. He held that by that time, the petitioners were retired and hence, not entitled for the benefit of the same. Challenging the same, the present writ appeal.

5. We heard Mr.P.Mohanraj for the appellants and Mr.J.C.Durairaj, learned Additional Government Pleader for the respondents.

6. The narration of the facts shows that all the petitioners had retired much before the issuance of the Government Order on



07.02.019. The validity of the Government Order is not in question before us.

7. A relevant portion from the subject Government Order is extracted hereunder:

“தமிழ்நாடு உதவித் தொடக்கக்கல்வி அலுவலர் சங்கத்தின் கோரிக்கையினை அரசு நன்கு பரிசீலனை செய்து, அதனடிப்படையில் தொடக்கக்கல்வி இயக்குநரின் பரிந்துரையினை ஏற்கலாமென முடிவ, செய்து, வட்டாரக்கல்வி அலுவலர் பணியிடத்தினை நிர்வாக காரணங்களுக்காக நடுநிலைப்பள்ளி தலைமை ஆசிரியர் பணியிலிருந்து பதவி உயர்வு , பணியிடமாக மாற்றம் செய்யலாம் எனவும், இப்பணியிடத்திற்கு தமிழ்நாடு திருத்திய ஊதிய விதிகள் 2017-இல் தெரிவிக்கப்பட்டுள்ள ஊதிய அட்டவணையில் நிலை (level) 17-க்கு பதிலாக, நிலை (level) 18-இல் ரூ.36,900-1,16,000/- ஊதிய விகிதத்தில் ஊதிய நிர்ணயம் செய்யலாம் எனவும் முடிவ , செய்து, அவ்வாறே அரசு ஆணையிடுகிறது. மேலும், தமிழ்நாடு தொடக்கக்கல்வி சார்நிலைப் பணி சிறப்பு விதிகளில், பதவி உயர்வு பணியிடமாக கருதுவது குறித்து திருத்தம் வெளியிடப்படும் நாள முதல் இதனை நடைமுறைப்படுத்தலாம் எனவும் அரசு ஆணையிடுகிறது.”

8. This makes it clear that the benefit of pay matrix 18 applies only from the date of issuance of the Government Order and it has not been given retrospective effect. A mere reading of the Government



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Order shows that it applies only to those in service and not to those who have already retired.

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9. The plea of the petitioner that it must be given effect from the date of creation of the post and not from the date of issuance of the Government Order cannot be considered. This is for a simple reason that the Government had taken a policy decision as to how to restructure the post as well as to give the financial benefits for the same. It is not for the Court to dictate as to how the State must come out with the policy. As long as the Government Order had not been challenged in the manner known to law, we are not in a position to issue a mandamus to extent the benefit of the Government Order to the persons to whom it does not apply. The power of judicial review cannot be used to rewrite the Government policy.

10. That being the position of law, we find no merits in the writ appeal. The order of the learned Single Judge in dismissing the writ petition in W.P.No.22229 of 2022 is confirmed. The writ appeal stands dismissed.

R.S.K., J. **V.L.N., J.**
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Neutral Citation : Yes

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