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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on: 06.07.2026

Pronounced on: 10.07.2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP.(MD) NO.19709 of 2022

and WMP(MD) No.14383 of 2022

K.R.Raveendran

....Petitioner

-Vs-

1.The commissioner of school education,
E.V.K.Sampath Buliding,
DPI Complex, Chennai -600 006.

2.The Director of School Education,
E.V.K.Sampath Buliding,
DPI Complex, Chennai -600 006

3.The District Education Officer,
Paramakudi, Ramand District.

4.The Correspondent,
Sourashtra Higher Secondary School
Paramakudi, Ramand -District

...Respondent(s)

For Petitioner(s): Mr.D.Balamurugapandi

For Respondent(s): Mr. S.Siva Thilakar -R1 to R3
Counsel for state Tamil Nadu.
Mr.N.Mohamad Asif, - R4

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus to call for the



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records relating to the impugned order passed by the 3rd respondent dated 15.11.2021 in his Na.Ka.No.2791 / A1/2021 and quash the same and to direct the respondent 1 to 3 to grant selection grade from 03.04.2006 and grant special grade w.e.f. 03.04.2016 and the other benefits.

ORDER

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed dated 15.11.2021 passed in Na.Ka.No. 2791/A1/2021 by the 3rd respondent and to direct the respondents 1 to 3 to grant selection grade from 03.04.2006 and grant special grade w.e.f. 03.04.2016 and the other benefits.

2.1. The brief facts of the case are that the petitioner have completed B.Sc. in the year 1989, B.Ed. in the year of 1993 and was appointed on 03.04.1996 by the 4th respondent school in the Secondary Grade Teacher vacancy with effect from 03.04.1996 and approved by the 3rd respondent on 03.04.1996. The appointment was also approved by the District Educational Officer, Paramakudi / 3rd respondent herein on 03.04.1996, based on the interim order passed in the batch of litigation. However, the



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appointments to Secondary Grade post by recruiting B.T. Assistants were challenged and the Court had held the such teachers do not possess requisite qualification and they were not eligible for appointments. Hence the government had submitted that such teachers would be granted Child Psychology and then would be granted appointment from the date of completion of such training. The petitioner had completed the Child Psychology training from 02.05.2003 to 31.05.2003 and then appointed and approved from 01.06.2003 in the 4th respondent management school. Thereafter the 4th respondent has granted the selection grade with effect from 03.04.2006 on completion of 10 years from the date of appointment i.e. 03.04.1996 and submitted a proposal on 25.04.2006. The 3rd respondent by proceedings dated 12.09.2007 has sent a letter to the 4th respondent that the clarification from the 2nd respondent is sought for and as soon as the clarification is received the proposal may be resubmitted again. The contention of the petitioner is that he is entitled to Selection Grade on completion of 10 years that is in the year 2006, since the appointment of the petitioner was approved by the 3rd respondent on 03.04.1996 itself.



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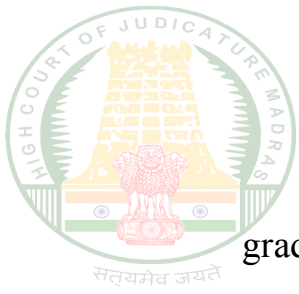
2.(ii). Hence the 4th respondent again resent the proposal to the 3rd respondent on 20.11.2012 and 14.05.2013 for granting selection grade. The 3rd respondent vide proceedings dated 19.08.2013 directed the 4th respondent to send any Court Order or clarification with respect to the grant of selection grade. Further the 3rd respondent vide proceedings dated 11.09.2015 had informed the 4th respondent that the issue of granting selection grade to the Graduate Teacher is pending before the Court and orders will be passed only after the final disposal of the Writ Petitions. Again the 4th respondent submitted a detailed representation on 07.06.2015 to the 3rd respondent and the 3rd respondent once again on 11.09.2015 has informed the 4th respondent that the approval will be ordered only after the final disposal of the orders in the Writ Petitions pending before the Court. The contention of the petitioner that similarly placed person had filed W.P.No.6505 of 2007 and the same was allowed on 16.08.2012 and the 2nd respondent vide proceedings dated 13.10.2016 has implemented the order of Court. But the respondent failed to grant the relief to the petitioner. Aggrieved over the same W.P.(MD)No.19276 of



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2017 was filed for issuance of Writ of Mandamus direct the respondents 1 to 3 to grant selection grade from 03.04.2006 and to pay the arrears of salary for the period from 03.04.2006 to till date and the other benefits etc. The writ court has allowed the writ petition, vide order, dated 16.03.2021 and directed the respondents to pass appropriate orders within the stipulated time. The 4th respondent had submitted the proposal based on the above order on 23.08.2021 along with child psychology training certificate. The respondents declined through the impugned order. Aggrieved over the same the present writ petition is filed.

3. The respondent had filed counter denying all allegations and submitted that the 4th respondent is a private aided linguistic minority school, the petitioner was appointed with effect from 03.04.1996 in the vacancy of Secondary Grade Teacher, the petitioner was not qualified to the said post, in order to qualify the petitioner underwent child psychology training from 02.05.2003 to 31.04.2003 based on G.O.Ms.No.155 School Education (D2) Department dated 03.10.2002, thereafter the petitioner's appointment was approved in the pay band of Rs.4500-125-7000. The 4th respondent school had submitted proposal several times to grant selection



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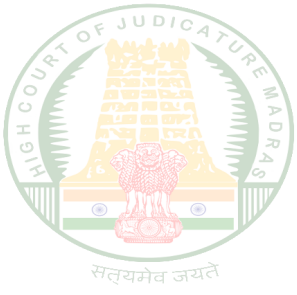
grade from the date of original appointment and it was returned by the respondents. Hence the petitioner filed writ petition, based on the order of the Court, the proposal was considered and rejected through the impugned order. Against the same the petitioner had filed the present petition. The petitioner is claiming based on the order dated 12.07.2017 passed in W.A. (MD)No.1085 of 2014 etc. Based on the judgments passed in Uswathun case, Pallivasal case and Sundarvel Raj case the petitioner is not entitled to claim selection grade and other benefits from the date of original appointment. But the petitioner is entitled to approval from the next date of completion of child psychology training and entitled to salary and other benefits only from the date of approval after completion of the child psychology training. Furthermore, the issue was also considered by Hon'ble Supreme Court in SLP (Civil) Diary No.1327 of 2019 filed against W.A.No.956 of 2018 dated 04.07.2018 in the case of Director of Elementary Education & others Vs. S.Rajathi and another wherein it was disposed with a direction. The petitioner cannot rely on the judgement dated 17.09.2021 passed in W.A.(MD)No.1474 of 2017, since the judgment passed in Pallivasal case was not brought to the knowledge of the Court. The petitioner is seeking benefits beyond the scope of



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G.O.Ms.No.559 and 155 and also seeking benefits against the judgments passed in Uswathun case, Pallivasal case and Sundarvel Raj case. Hence the respondents prayed to dismiss the writ petition.

4. The petitioner had filed rejoinder to the counter filed by the respondents. The petitioner submitted that the petitioner's appointment was already approved by the respondents on 03.04.1996 that is prior to completion of child psychology course itself and once approval is granted then the petitioner is entitled to the benefits. Hence the Pallivasal, Sundarvel Raj, Rajathi cases are not applicable to the petitioner's case. Further stated that the respondents returned the proposal several times. The teachers covered under G.O.Ms.No.155 are entitled to pension from the date of original appointment. The petitioner's case is covered under the judgement rendered in W.A.(MD)No.1474 of 2017. The petitioner's case is different since the petitioner's appointment was already approved by the respondents hence the petitioner is entitled to the benefit. Hence the petitioner prayed to quash the impugned order and direct the respondents to issue selection grade by calculating the period from the original date of appointment.



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5. Heard Mr.D.Balamurugapandi, the learned Counsel appearing for the petitioner and Mr.S.Siva Thilakar, the learned Counsel for State Tamil Nadu appearing for 1 to 3 respondents and Mr.N.Mohamad Asif, the learned Counsel appearing for the 4th respondent and perused the records.

6. It is an admitted fact that the petitioner was appointed on 03.04.1996 in the 4th respondent aided school with B.Ed. qualification in the Secondary Grade Post and was approved with effect from 03.04.1996. But it has been declared and confirmed in Uswathun Hasana Oriental (Arabic) Girls Higher Secondary School, Pallapatti Vs. State of Tamil Nadu and others reported in 2002 WLR 173, State of Tamil Nadu and other Vs. Pallivasal Primary School reported in 2004-2-Law Reporter 591 and Director of Elementary Education Vs. Sundarvel Raj that the teachers with B.Ed. and B.T. Assistants qualification are not having requisite qualification to be appointed in the Secondary Grade Post. Hence the teachers were granted concession of training and they had undergone Child Psychology training course for a period of one month. The petitioner also undergone the said training course and his service was



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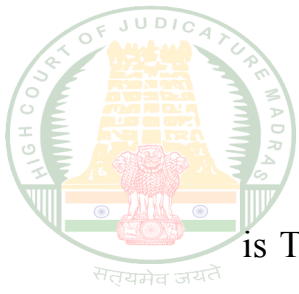
approved from 01.06.2003, the next date on completion of the Child Psychology training. Now the petitioner claims since the petitioner appointment on 03.04.1996 was approved by the respondent, then the petitioner is entitled to include the service from 03.04.1996 and to grant selection grade on 03.04.2006 and special grade on 03.04.2016. Hence the sole issue for consideration is whether the petitioner is entitled to include the service from 03.04.1996 or from 01.06.2003, the date of completion of Child Psychology training course. This Court is of the considered opinion that the petitioner is entitled to count the service from 01.06.2003 after completion of the Child Psychology training course. The service from 03.04.1996 is an illegal / irregular service and the petitioner was not having the requisite qualification to appoint in the Secondary Grade post since the petitioner was not having TSLC or equivalent qualification. This training under TSLC or equivalent qualification is specially meant to handle children belonging to the standards from LKG to 5th standard or until 8th standard. Hence solely based on appointment approval granted while appointing the petitioner on 03.04.1996 cannot be a ground to hold that the petitioner appointment is valid, when the petitioner was not having requisite qualification and consequently the petitioner is not



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entitled to benefits by including the service from 03.04.1996. In other words, the appointment of the petitioner without the requisite qualification is illegal / irregular and the appointment approval is illegal / irregular and consequently the service from 03.04.1996 cannot be counted for any benefits like salary, promotion, selection grade / special grade, incentive increment for higher qualification, annual increment or any other benefits except for granting pension.

7. The issue started with the issuance of G.O.Ms.No.539 dated 21.04.1986, wherein the private educational institutions were permitted to appoint B.Ed. teachers in the secondary grade teacher vacancy, if the secondary grade teacher is not available in “live register” before employment exchange and such appointment were permitted with certain conditions. The institutions appointment and submitted the proposal for appointment approval, but the department refused to grant approval citing that the conditions are not fulfilled. The refusal to grant approval was challenged in writ petitions, wherein it is held by Justice Kanakaraj that the syllabus for B.T. Assistant is entirely different from the syllabus of Secondary Grade Teacher, the qualification for Secondary Grade Teacher



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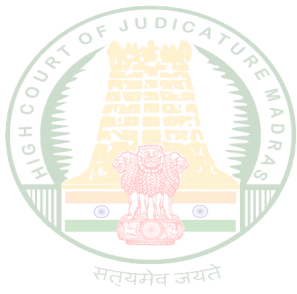
is TSLC or equivalent and this qualification is specially meant to handle children belonging to the lower standards, such qualification was not available for B.Ed. / B.T. Assistant teachers and the B.Ed. / B.T. Assistant teachers are meant to take class for higher class but the Secondary Grade teachers are meant to take class for lower class and for the said reasons dismissed the writ petitions vide order dated 08.12.1994. In the said order it has been recorded that more than 59,000 secondary grade teachers are available, hence the institutions cannot appoint B.T. Assistant. Aggrieved persons filed W.A.Sr.No.81033 of 1995, in the meanwhile the government issued G.O.Ms.No.559 dated 11.07.1995, wherein the government directed the Education Department not to approve the B.T. teachers appointed in Secondary Grade Teachers post. Hence the writ appeal in SR stage was dismissed with liberty to challenge the said G.O.Ms.No.559 dated 11.07.1995. The same was challenged in writ petitions wherein Justice S.S.Subramani had uphold the G.O.Ms.No.559 vide common order dated 19.05.1998 which was passed in confirmation and consonance with Justice Kanagaraj order. Aggrieved over the same, batch of writ appeals and writ petitions were filed and the same were tagged together and the Hon'ble Division Bench consisting of Justice V.S.Sirpurkar and Justice



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A.Kulasekaran had elaborately considered the issue which is reported in 2002 WLR 173 in the case of Secretary and Correspondent Uswathun Hasana Oriental (Arabic) Girls Higher Secondary School, Pallapatti Vs. the State of Tamil Nadu and others. Even though interim order was granted initially, the Hon'ble Division Bench had finally dismissed writ petitions and writ appeals filed by the institutions and individuals vide order dated 29.06.2001 by confirming the order of Learned Single Judge and the validity of G.O.Ms.No.559 dated 11.07.1995 was upheld. However, based on the concession granted by the Learned Additional Advocate General the Court permitted the government to pass G.O. to impart training to the teachers who were facing the loss of job. The relevant paragraphs of the order of the Hon'ble Division Bench are extracted hereunder:

“26. An argument was made that on number of occasions when the State Government permitted the appointment of the graduate teachers in place of the Secondary Grade Teachers, the Government also took an exercise to train these teachers for few weeks so as to ensure that the future of the Children was not jeopardized at the hands of these teachers who did not have a training to deal with the urchins and the students of tender age. A fervent appeal was made by all the Learned Counsel that even if the validity of the Impugned Government Order were to be upheld by this Court, some relief should be given purely in the interests of justice. The argument cannot be said to be

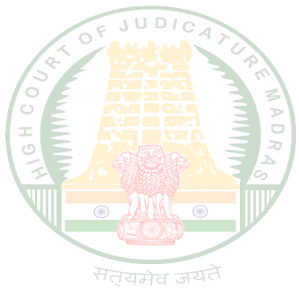


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altogether without force. There can be no doubt that even in the past, the State Government has been allowing the graduate teachers to be appointed though, of course, we have pointed out that such exercise was necessitated on account of the peculiar situation at that time. In fact, we have repelled the argument that this was a routine exercise on the part of the State Government. However, we cannot altogether ignore the fact that such exercise, in fact, was taken by the State Government. It is again to be realized that if these teachers go on account of this judgment, there might occur a void in the particular schools where they have been teaching because, admittedly, all the teachers have been teaching in the schools for years together and have gained precious experience in the process. Their unceremonious exit from the job would spell wastage of all these experience. Realizing this, the learned additional Advocate General very fairly suggested that the employment of those teachers who were inducted prior to the disposal of the Writ Petitions by the Learned Single Judge could be saved and the directions could be given to give them the training on the same lines as was done in the past. The learned Additional Advocate General, however, suggested that such of those teachers who had come after the dismissal of the Writ Petitions couldn't be shown any such latitude.

27. We appreciate the stand taken by the Learned Additional Advocate General, which is a pragmatic stand and has an unshakable base of experience. In order to avoid an undue hardship to these teachers who have been serving for years together in the lower classes even after studying for a graduation degree that too on merger salaries, it will be better if an exercise is taken for the confirmation of these teachers. The modalities of which may be decided by the State Government. The State Government may decide to give the practical training or may even choose to individually examine each case on its own merits. There may be individual cases where the Management was absolutely justified in employing graduate teachers and there could be others where there was no such justification. We do not wish to draw the details and leave it to

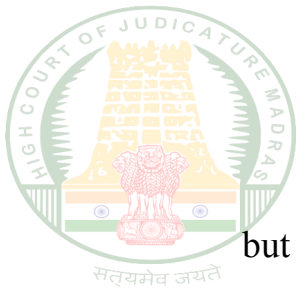


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the State Government. However, the State Government shall take up this exercise as we have indicated above providing relief to at least such teachers who have been inducted prior to the dismissal of the Writ Petitions before the Learned Single Judge. We direct accordingly while dismissing the appeals and the Writ Petitions. No costs”.

8. In pursuance of the concession granted by the Learned Additional Advocate General and direction of the Court, the government had issued G.O.Ms.No.155 dated 03.10.2002 wherein under clause (i) the teachers appointed from 11.07.1995 to 19.05.1998 were granted the benefits of the G.O.Ms.No.155 and under clause (xi) it is categorically stated any appointment made after 19.05.1998 by the institutions would not be approved at all. Further the said G.O. directed the teachers to under Child Psychology training and their appointment would be approved from the next date of completing the Child Psychology course. Again, the said G.O.Ms.No.155 was challenged in writ petitions and the same was allowed. Aggrieved over the government preferred writ appeal and the Hon'ble Division Bench consisting of Justice R.Jayasimha Babu and Justice Karpagavinayagam in the case of the State of Tamil Nadu and others Vs. Pallivasal Primary School reported in 2004 (2) LW 591 has allowed the writ appeals filed by the government by upholding the G.O.



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but granted a relief to the individuals that the salary already paid to teachers, recovery shall not be made and the earlier period of service may be counted for pension purpose alone. The Hon'ble Division Bench had elaborately considered the issue and held the recovery alone cannot be granted. However, without any discussion granted the relief to calculate the period of service from the date of original appointment for pension purpose alone. And the government had passed government order sanctioning pension alone.

9. Then also the issue had not ended. Again, another person had filed a writ petition, wherein the learned Single Judge has allowed the writ petition with a direction to grant salary from the date of original appointment, strangely by relying on Uswathun's case. Aggrieved over the same the government had preferred writ appeal in the case of the Government of Tamil Nadu and others vs. Sri Rao Bahadur A.K.D. Dharmaraja Girls Higher Secondary School and the Hon'ble Division Bench consisting of Justice P.Sathasivam and Justice S.Manikumar vide order dated 08.09.2006 has held that the Learned Single Judge had relied on paragraph 27 of Uswathun's case but there is no such direction in the



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said Uswathun's case to grant salary from the date of appointment but the teacher is entitled to salary after completion of child psychology training and the relevant paragraph is extracted hereunder:

2. *The learned single Judge has issued such a direction mainly relying on paragraph 27 of the common order passed in Writ Appeal Nos.991 to 998 of 1998 dated 29.06.2001 reported in 2002 Writ Law Reporter 173 (Secretary And Correspondent Uswathun Hasana Oriental (Arabic) Girls Higher Secondary School v. The State of Tamil Nadu).*

3. *We have verified the relevant paragraph viz., 27. We are satisfied that there is **no such direction for payment of salary to the secondary grade teacher from the date of her appointment.** On the other hand, the learned Government Advocate has brought to our notice G.O.Ms.No.155 School Education(D2) Department dated 03.10.2002, which came to be issued subsequent to the order of the Division Bench dated 29.06.2001. Among the various clauses para 3(3) is relevant, which reads as under.*
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4. *A reading of the above clause makes it clear that the Government has turned down the request of the payment of salary from the date of appointment. However, the **Government clarified that after completion of training and after serving a copy of the appointment order, the salary has to be paid from the said date.***

5. *Under such circumstances, we are of the view that the direction of the learned single Judge for payment of salary to the writ petitioner from the date of her appointment cannot be sustained. The direction regarding the same is set aside and the writ appeal is allowed to the extent mentioned above. No costs.*

10. Thereafter again some persons filed writ petitions seeking to

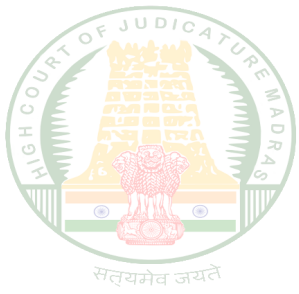


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grant selection grade and special grade by taking the service rendered prior to child psychology training and the same was allowed. Aggrieved over the same, again the government had preferred writ appeal in W.A. (MD)No.74 of 2015 and 957 of 2016 in the case of the Director of Elementary Education Vs. Sundaravel Raj, the Hon'ble Division Bench consisting of Justice T.S.Sivagnanam and Justice Tharani had rendered a categorical finding wherein it is held that except for the purpose of recovery of salary and pension, the teachers covered under G.O.Ms.No. 155 are not entitled to any other benefits. The relevant portion is extracted hereunder:

*3.Since the issue involved in these appeals are common they were heard together and disposed of by a common judgment. These two appeals have been filed by the District Elementary Education, challenging the orders passed in the writ petitions filed by the respondents wherein they sought for monitory benefits from the date of original appointment as well as **increment and benefits such as selection grade and special grade**. Though there may be a slight difference in the two orders passed in the writ petition, which are subject matter of the these appeals, the common issue which fall for consideration is with regard to benefits which will accrued to the respondent teachers pursuant to the order passed by the Government in G.O.Ms.No.155 School Education (D2) Department dated 03.10.2002.*

4.The background which led to the issuance of such Government order to the teachers is that, the respondents were appointed as BT Assistants in Secondary Grade Teacher vacancies. In other words, the respondents Teachers



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did not possess requisite qualification required for the post of Secondary Grade Teachers or put in other words, they were over qualified. Therefore, the Government issued G.O.Ms.No.559 Education, Science and Technology Department dated 11.07.1995 and directed not to approve the appointment of BT Assistants/Tamil Pandits in Secondary Grade Teacher vacancies in future in all kinds of School including minority School. Subsequently, the Government passed another order in G.O.Ms.No.203 Education, Science and Technology Department dated 19.03.1996 making a slight change to G.O.Ms.No.559 by observing that the Government direct that such an appointment, namely, BT Assistants/Tamil Pandits in the Secondary Grade Teacher vacancies should not be restored to after 11.07.1995. That being the date of issue of G.O.Ms.No.559. The Management in which the teachers like the respondents were working filed writ petitions, challenging the validity of G.O.Ms.No.559 dated 11.07.1995. Some the writ petitions were dismissed and ultimately, the matter was heard by the Division Bench.

5.The question which fell for consideration before the Division Bench was as to whether the BT candidates can be appointed as Secondary Grade Teachers up to 8th standard for which SSLC and TSLC of Secondary Grade or equivalent prescribed by the Act and Rules and G.O.Ms.No.559 issued by the Government directing the educational authorities not to approve the appointment to BT teachers in Secondary Grade Teacher vacancies is valid or not. The Division Bench in the case of Secretary and Correspondent Uswathun Hasana Oriental (Arabic) Girls Higher Secondary School, Pallapatti, 6396 205, Karur District v. State of Tamil Nadu and others reported in 2002 Writ L.R. 173 dismissed all appeals filed by the managements challenging G.O.Ms.559 dated 11.07.1995. In the judgment, the Division Bench upheld G.O.Ms.No.559 dated 11.07.1995 and held that there was no violation of any right of the teacher much less Fundamental Rights of the Managements and further held that B.Ed Teachers do not possess the requisite qualification to be appointed in the vacancy in the Secondary Grade Teachers to teach up to 8th standard. Having held so, the



question arose as to what course should be adopted in the case of persons who have already been appointed on the basis of the B.Ed. qualification in the post of the Secondary Grade Teachers Tamil Pandits.

6.The State Government through learned Additional Advocate General took a stand that they will consider the case of such Teachers who were appointed in Secondary Grade Teacher vacancies with B.Ed. qualification and the Government will give the practical training or even choose to individually examine each case on its own merits. Recording the said submission, this Court directed the Government to complete the exercise as proposed by them within the time frame. This observation was made while dismissing the appeals and the writ petitions filed by the Management/petitioners.

7.Pursuant to which, G.O.Ms.No.155 dated 3.10.2002 was issued. The said Government Order provided for imparting one month child psychology training for all those Teachers, who possessed B.Ed. qualification and appointed in Secondary Grade vacancies, which appointment was held to be not sustainable by the Division Bench. **As the Teachers does not possess the requisite qualification, the Government, while granting such concession imposed a condition, which appears to have been unequivocally accepted by the Teachers. Otherwise they would have lost the chance of getting absorbed into service. The question would be as to whether the Teachers would be entitled to get salary from the date of first appointment, I.e. the order of irregular appointment and as to whether they would be entitled for salary in the Secondary Grade scale from the date of completion of child psychology training. There can be no controversy on the aspect as the Government order clearly stipulates as to from what date the Secondary Grade scale of pay is liable to be paid to those Teachers including the respondents. This is contained in Clause 3(iii) of G.O.Ms.No.155 dated 03.10.2002, which reads as follows:**

(iii) மேற்கண்ட நியமனங்கள் அரசுணைக்குப் பிறம்பாக செய்யப்பட்டுள்ளதாலும், இந்நியமனதாரர்களால் தொடரப்பட்ட ரிட் மனுக்கள் மற்றும் அதனை எதிர்த்து தள்ளுபடி

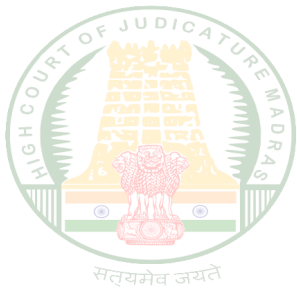


செய்யப்பட்டுள்ளதாலும் மேற்கண்ட நியமனங்களுக்கு நியமன முதல் ஒப்புதல் வழங்கி, அந்நாள் முதல் ஊதியம் வழங்க இயலாது. எனவே, மேற்கண்ட பயிற்சியை முடித்த நாளிலிருந்து இவர்களுக்கு முறையான இடைநிலை ஆசிரியர்களாக நியமன ஒப்புதல் அளித்து, அந்த நாளிலிருந்து மட்டுமே இடைநிலை ஆசிரியர் ஊதியம் வழங்க வேண்டும் என்று ஆணையிடப்படுகிறது.?

8. Another condition, which would be relevant for the present case is clause 3(viii) of G.O.Ms.No.155 dated 03.10.2002, which reads as follows:

மேற்கண்ட நபர்கள் நியமன ஒப்புதலின்றி பணிபுரிந்த காலத்தை அங்கீகரிக்கப்பட்ட தனியார் பள்ளிகளில் பதவி உயர்வுக்கோ ஊதிய நிர்ணயத்திற்கோ, ஓய்வூதியப் பயன்கள் வழங்குவதற்கோ கணக்கில் கொள்ளக் கூடாது என்றும் தெரிவிக்கப்படுகிறது. இடைநிலை ஆசிரியர் பணியிடத்தில் நியமிக்கப்படும் பட்டதாரி-தமிழாசிரியர் தகுதி பெற்ற நபர்களுக்கு இடைநிலை ஆசிரியர்களுக்கான ஊதிய விகிதம்தான் வழங்கப்படும் என்றும், வேறெந்த சிறப்புச் சலுகையும் அளிக்கப்படமாட்டாது என்றும். அவர்கள் இடைநிலை ஆசிரியராக பணியாற்றும் காலத்தில் உயர் கல்வித் தகுதிக்கான சிறப்பு ஊதிய உயர்வு வழங்கும் திட்டம் இவர்களுக்குப் பொருந்தாது என்றும், இதற்கான உறுதிமொழிச் சான்று சம்பந்தப்பட்ட நபர்களிடமிருந்து பெறப்பட வேண்டுமென்றும் தெரிவிக்கப்படுகிறது.?

9. The management of various Schools, which had appointed Teachers like the respondents had challenged the validity of G.O.Ms.No155 dated 03.10.2002 and the matter travelled up to the Division Bench and the Division Bench in the case of the State of Tamil Nadu and others Vs. Pallivasal Primary School reported in 2004-2-L.W.591 upheld G.O.Ms.No. 155 dated 03.10.2002. The only relief granted to the Teachers, who were appointed in Secondary Grade vacancies, is the grant of salaries, were by restraining the department from effecting any recovery. Therefore, paragraph No.3(7) of G.O.Ms.No.155 alone was set aside and rest of the Government Order was upheld in the said decision. It was subsequently ordered that approval/confirmation of the appointment can be only after the date of completion of the child psychology training. Further the Division Bench observed that the past service



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i.e. prior service child psychology training shall count (for pension alone). After the decision rendered in the case of Pallivasal has attained finality, the respondent/writ petitioners seek for salary for the earlier period as well as for other monetary benefits such as increment, selection grade and special grade, etc. We have given our careful consideration. We find in paragraph No.7 of its judgment, the Hon'ble Division Bench has noted the various condition in G.O.Ms.No.155 and held that the respondent therein would be entitled to relief as granted to similarly placed teachers. If that is so, the ultimate conclusion would have been to grant benefit from the date of completion of the child psychology training. However in the penultimate portion of the order her salary has also been included. In our considered view, the direction to pay salary does not corroborate with the observation made by the Division Bench. In, the decision in the case Suganthi Victoria. The Government had admitted that at best it can be taken as a decision pertaining to the said case on its factual matrix and that cannot be taken as a precedent. In the case of Government of Tamil Nadu Vs. Sri Rao Bahadur AKD Dharmaraja Girls Higher Secondary School in W.A. (MD)No.3442 of 2002 dated 08.09.2006, the Division Bench, relying on the decision of the case reported in 2002 Writ L.R. 173, held that the salary can be paid only after completion of the child psychology training and accordingly, allowed the Government appeal.

10.The learned counsel for the respondents/writ petitioners relied on certain other orders passed by various single Benches including one of us (TSSJ) and on perusal of the same, we find that in none of those decisions, the full effect of G.O.Ms.No.155 and the conditions therein have been thoroughly examined. Apart from that, the decision in the case of Pallivasal Primary School has not been specifically noted. Therefore, we are of the considered view, that those decisions cannot be referred to advance the case of the respondents/writ petitioners, though some of them have attained finality. Needless to state that if there has been a wrong decision, it cannot be treated as precedent.



11. In the light of the above reasoning, we are of the considered view that the order passed by the Writ Court directing disbursement of salary from the date of original appointment, cannot be sustained, in the light of explicit condition imposed in G.O.Ms.No.155, which was upheld by the Division Bench in a Public Interest Litigation. Thus, for the above reasons, the writ appeals filed by the department has to be allowed.

12. The learned counsel for the respondents submitted that though there were about 3000 Teachers who were appointed in such improper manner as of now 300 Teachers would be entitled to monitory benefits and as remaining persons were already paid and they were protected by the Division Bench order from the effect of recovery. The learned counsel submitted that the respondent should be permitted to approach the Government by way of representation.

13. We make no positive observation on this request. But it is always open to the respondents/writ petitioners to approach the Government, if they so desire. For the above reasons, the writ appeals are allowed and the impugned orders are set aside and consequently, the writ petitions are dismissed. No Costs. Consequently M.P.(MD)Nos.1 and 2 of 2015 and C.M.P.(MD)No.5749 of 2016 are closed."

The Hon'ble Division Bench had held that the full effect of G.O.Ms.No. 155 and the conditions therein have been thoroughly examined in Pallivasal's case and the decision in Pallivasal's case has not been specifically noted, therefore by relying on the wrong decision the individuals cannot be granted any benefits dehors G.O.Ms.No.155.

11. The English translation of clause 3(iii), (viii) and (ix) are



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extracted hereunder:

3(iii) – The above appointments being made contrary to the Government Orders and the challenge made before the High Court being dismissed and the Writ Appeals also being dismissed, the salary for the above period could not be granted. Hence salary will be paid from the date of completion for training after approving the appointments of the said Secondary Grade Teachers.

3(viii) – In recognized Private schools, for promotions, for fixing salary and for pensionary benefits, the period during which the above said teachers who worked without approval will not be taken into account.

3(ix) – the B.Ed. Graduates / Tamil Pandits who are appointed in the Secondary Grade Posts, salary shall be paid only in the scale of Secondary Grade Teachers and Special incentives will not be granted. During their tenure as Secondary Grade Teachers they are not eligible for Special pay and incentives for acquiring Higher Qualification and Declaration to that effect should be obtained from the respective teachers.

The above stated clauses in G.O.Ms.No.155 would categorically state that the teachers would be entitled to salary, incentive increment for higher qualification, selection grade/special grade, annual increment and other monetary benefits etc. from the date of completion of child psychology and appointment of approval would be granted from the next date of completion of child psychology training. In short, the teachers are entitled to the relief from recovery of salary already paid to them and entitled to pension alone and other benefits are declined. Conversely, the teachers are not entitled to any benefits from the original date of appointment except



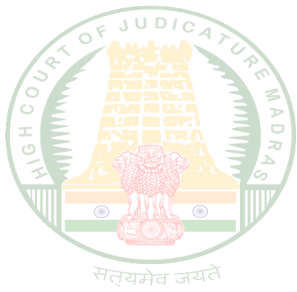
pension alone.

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12. Against which review application was filed by the said Sundaravel Raj in Rev.Aplc.(MD)No.222 of 2019 and the same was also dismissed vide order dated 16.10.2019. The said Sundaravel Raj had filed SLP and notice was issued to the Government and the same is still pending.

13. Again, one Ursula Suganya Velaidem had filed writ petition in WP(MD) No.17970 of 2017 challenging the audit objection for granting selection grade to the petitioner and the Learned Single Judge had allowed the writ petition. Aggrieved over the Director of Elementary Education had filed writ appeal in W.A.(MD)No.211 of 2019, the Hon'ble Division Bench consisting of Justice N.Seshasayee and Justice L.Victoria Gowri had held that the teachers were granted the benefit from recovering the salary, otherwise the teachers are not entitled to any benefit for the period prior to child psychology training. The relevant paragraphs are extracted hereunder:

“6. The issue is whether the ten years of continuous service which is the eligibility criterion prescribed for conferring selection grade must be reckoned from the date of original appointment or from the date on which



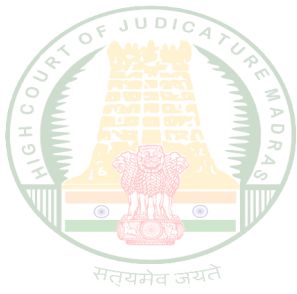
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the first respondent had completed the child psychology.

7.1 Heard both sides. Placing reliance on the State of Tamil Nadu, rep. by its Secretary, Education Department and Others vs. Pallivasal Primary School [2009 (2) LW 591], the learned Special Government Pleader submitted that when this Court allowed G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002, it only directed the Government not to recover the salary for the period already served by the teachers. This is understandable since those teachers who were appointed when G.O.559 was stayed by this court cannot be considered to have been appointed illegally. But, so far as the issue before the Court is concerned, the said authority is silent.

7.2 Developing his arguments, the learned Additional Government Pleader submitted that the judgment of this Court in the State of Tamil Nadu, rep. by its Secretary, Education Department and Others vs. Pallivasal Primary School [2009 (2) LW 591] was considered by another Division Bench of this Court in the Director of Elementary Education, Chennai and others Vs Sundaravel Raj [W.A.(MD)Nos.74 of 2015 and 957 of 2016, dated 21.03.2018]. In that case, the Court took note of Clause-3(iii) and reading it with alongside Clause 3 (viii) of G.O.Ms.No. 155, dated 03.10.2002, wherein, the Government have underscored the fact that no salary could be paid to any appointees, whose appointments were made prior to the dismissal of the writ petitions, if they did not possess requisite qualification. It proceeded to hold that no appointees, who did not possess requisite qualification, but place their appointment to G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002 cannot seek salary for the earlier period as well as other monetary benefits, such as, increment, selection grade and special grade. This view taken in Sundaravel Raj's case was followed by two other learned single Judges of this Court in W.P(MD)No.18672 of 2020 dated 26.03.2024 and W.P(MD)No.16 of 2015 dated 25.11.2018.

8. The learned counsel appearing for the respondent/writ petitioner placed reliance on a judgment of this Court in WA(MD)No.1085 of 2014 batch, dated 12.07.2017 to support his case. The learned counsel added that the judgment in Sundaravel Raj's case was challenged in S.L.P. (Civil No. 2688 of 2020), wherein, the Hon'ble Supreme Court had ordered notice after condoning the delay. He submitted that inasmuch as the matter is



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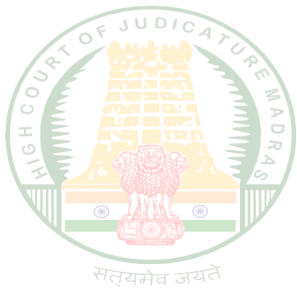
under consideration before the Hon'ble Supreme Court and since the decision of the Division Bench in Sundaravel Raj's case had not attained finality, this Court may not place reliance on the same. He proceeded to submit that notwithstanding the same, neither the seniority of the respondent/writ petitioner was re-fixed nor any increment was paid, yet anxiety is shown to recover the excess salary paid to her owing to the conferment of selection grade. That judgment however, does not appear to deal with the effect and impact of G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002.

9. For considering the case of the respondent and the sustainability of the order of the learned Single Judge, it is relevant to reproduce Clause 3(viii) of the G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002 hereunder:

“3(viii) In recognised Private Schools, for promotions, for fixing salary and for pensionary benefits, the period during which the above said teachers who worked without approval will not be taken into account.”

This clause would show that for promotion, the period during which the teachers had worked without approval should not be reckoned and in paragraph 3(viii) of the G.O.Ms.No.155, stipulates that such period however can be reckoned only for the purpose of granting pension and no more.

10.1 If Clause 3(viii) of the G.O.Ms.No.155 is further distilled in the ongoing forensic scrutiny, it would show that period before the teachers who were appointed contrary to G.O.Ms.No.559, Education Science and Technology Department, dated 11.07.1995 themselves become eligible for approval, only after they completed the one month programme in Child Psychology. Therefore, it is possible to deduce from this that this qualification for their appointment itself commenced for the petitioner from 11.10.2003. To state it differently, but for the completion of the one month programme in child psychology, the first respondent could have even continued in the service even though she was appointed in 1998. It now follows, if she had not completed the programme in child psychology her appointment would have become liable for termination. It could now be derived that the petitioner might legitimately feel aggrieved about lack



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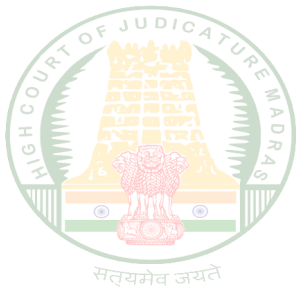
of promotional avenues only when she qualified herself to be appointed as a secondary grade teacher after she completed the course in child psychology and not at any time earlier to that.

10.2 Selection grade is not a gift handed over, but it is an incentive to keep alive the motivation of those who suffered from want of promotional avenues. It now follows that the petitioner is fully aggrieved for want of promotion only in October, 2013, based on her qualification to reckon the period that she had served earlier to acquire requisite eligibility graduation of qualification would run counter to the tenor of G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002.

11. This Court considers that the judgment of the Division Bench of this Court in Sundaravel Raj's case has correctly captured the legal position. This Court does not find any reasons to differ from the ratio of Sundaravel Raj's case. On the contrary, this Court does not find that the order in W.A. 1085 of 2014 which the learned Single Judge had relied on pointedly considered the effect of G.O.155 on the issue dealt with thereunder. At the risk of repetition it is emphasized that but for G.O.(Ms.)No.155, School Education (D2) Department, dated 03.10.2002, the respondent could not have even continued in her post as a secondary grade teacher and would have been shown the exit door to the employment right when the writ petitions were dismissed by the Division Bench. Now having secured her services, she is now aiming for a double benefit.

12. The sympathy extended by the Government, to protect the interest of those who had been appointed either by the school or on its own or pursuant to the interim stay order passed by this Court, cannot be exploited infinitely. It could be gathered from the earlier orders that the tenure of G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002 that the course in child psychology is sine que non for being appointed as a Secondary Grade Teacher. Therefore, the decision of the authority to recall her selection grade pursuant to a mistake committed on 22.12.2008 is well in order.

13. The foregoing discussion would only indicate that the respondent cannot sustain her cause of action. Necessarily, this appeal has to be allowed. Having stated thus, this Court directs that whatever higher remuneration that was paid to her in view of this mistake cannot be



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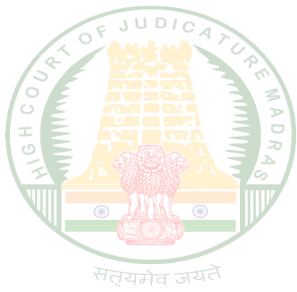


recovered from the respondent. This Court further directs the appellants be conferred the selection grade as and when she became eligible to be conferred with it based on the date when she completed her child psychology programme and to re-fix her seniority and to grant all benefits in terms of service conditions including grant of yearly increment, promotion etc., and further directs that it be done within a period of eight weeks from the date on which this order copy is posted in the official web-site.

14. In fine, subject to what is hereinabove stated in the previous paragraph this appeal is allowed and the order of the learned single Judge dated 21.09.2017 in W.P(MD)No.17970 of 2017 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

14. In another case filed by one D.Sekar Franklin in W.P.(MD)No. 1774 of 2020 the claim of the writ petitioner is that he is entitled to selection grade from the date of original appointment, the Learned Single Judge had dismissed the writ petition, aggrieved over the teacher had filed W.A.(MD)No.254 of 2023 wherein the Hon'ble Division Bench consisting of Justice G.R.Swaminathan and Justice K.Rajasekar had held that the petitioner is not entitled to calculate the period of service from the date of original appointment and the relevant portion is extracted hereunder:

2.The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of Appeal. She drew our attention to the order dated 12.07.2017 made in W.A(MD)No.1085 of 2014 etc batch. She pointed out that the said order which is in favour of the appellant was authored by one of us (GRSJ). She also relied on a subsequent Division Bench decision rendered in



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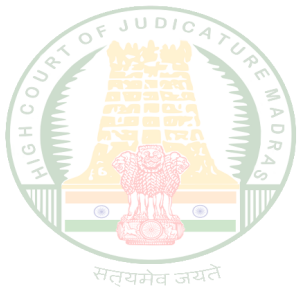
W.A(MD)No.1474 of 2017 dated 17.09.2021 which is also on the same lines.

3.The sum and substance of the contention of the learned counsel for the appellant is that the fact that the Child Psychology Training course was subsequently undergone by the appellant cannot be the reckoning date. According to her, the reckoning date will be the date of the original appointment. This is so because it was approved by the department itself.

4.No doubt, there are a number of judgments that too passed by various Division Benches in favour of the appellant. The Department had also implemented almost all of them. But the basic fact cannot be lost sight of. The Government had issued G.O(Ms)No.559 dated 11.07.1995 holding that persons having higher qualification cannot be appointed in secondary grade vacancies. In other words, only those candidates who possess the requisite qualification alone should be appointed as secondary grade teacher. That was the purport of G.O(Ms)No.559 dated 11.07.1995. The validity of the GO was put to challenge in a batch of Writ Petitions. Interim stay was granted. When the interim stay was in operation, the appellant herein came to be appointed. Since interim stay was in force, approval could not have been denied for the appellant. But ultimately the entire batch of writ petitions came to be dismissed on 12.09.1997 and the Hon'ble Division Bench also confirmed the same in the year 1998. Thereafter, Government issued G.O(Ms)No.155 dated 03.10.2002 for recovery of the salary already paid. This again was put to challenge in a batch of Writ Petitions and the issue was eventually resolved by the Hon'ble Division Bench in W.A(MD)Nos.249 of 2002 on 02.04.2004 (State of Tamil Nadu Vs. Pallivasal Primary School represented by its Correspondent, Mudukulathur). ...

The Court had extracted the relevant paragraphs from Pallivasal case and Sundaravel Raj case and finally had held as under:

5.We are therefore of the view that the learned single Judge was right in negating the appellant's request. The appellant was appointed after issuance of G.O(Ms)No.559 dated 11.07.1995. Therefore, the case of the appellant will have to be determined only



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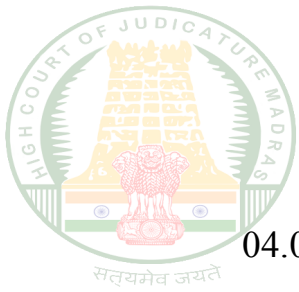


with reference to the parameters and norms laid down in Pallivasal judgment. In the order dated 12.07.2017 in W.A(MD)No. 1085 of 2014 etc batch, Pallivasal judgment was not considered or referred to. We are of the view that interference with the impugned order is not called for.

6.This Writ Appeal stands dismissed. There shall be no order as to costs.

The Hon'ble Division Bench had dismissed the writ appeal filed by the writ petitioner teacher and concurred with the Pallivasal judgment and Sundaravel Raj judgment. The Hon'ble Division Bench had specifically noted that there are number of judgments that too passed by various Division Benches in favour of the individuals, but the basic fact cannot be lost sight of and proceeded to dismiss the individual's writ appeal.

15. In W.A.No.978 of 2016 in the case of K.Nallasivan the Hon'ble Division Bench consisting of Justice K.K.Sasidharan and Justice P.Velmurugan had followed the Uswathun's case, Pallivasal case and dismissed the writ appeal filed by the individual vide judgment dated 07.02.2018. Against the same the individual preferred SLP (Civil) Diary Nos.32748 of 2019 and the same was dismissed vide order dated 21.10.2019. In W.A.No.956 of 2018 in the case of S.Rajathi and another the Hon'ble High Court dismissed the government appeal vide order dated



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04.07.2018. Against the same the government preferred SLP (Civil) Diary Nos.1327 of 2019 and the same was disposed of vide order dated 25.01.2019 wherein it is held as under:

*“We do not find any good ground to interfere with the impugned order passed by the High Court.
We, however, permit the petitioners to approach the High Court by filing a review application with regard to the ground in the memo of appeal that even if the respondent was to be approved then she could be approved only from the date of completion of psychology training which was completed on 05.10.2016 and the payment of all benefits of service ought to have been with effect from 05.10.2016 on which date the respondent completed the training. We further grant liberty to the appellants to come again in event the order is passed against them. With the aforesaid liberty, the special leave petition is disposed of.”*

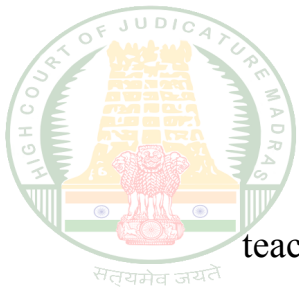
In W.P.(MD)No.2347 and 2348 of 2016 in the case of J.Annie and S.Punitha the Single Judge (SSYJ) had dismissed the case of the petitioners by following the Uswathun case, Pallivasal case and Sundaravel Raj case and also referred to G.O.Ms.No.155 and 150 vide order 21.03.2022. In W.P.(MD)N.17233 of 2015 in the case of S.Tamilarasi the Single Judge (SSYJ) had dismissed the case of the petitioner by following the Uswathun case, Pallivasal case and Sundaravel Raj case and also referred to G.O.Ms.No.155 and 150 vide order dated 14.03.2022. Aggrieved over the individual S.Tamilarasi had filed W.A. (MD)No.450 of 2022, the Hon'ble Division Bench consisting of Justice



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D.Krishnakumar and Justice R.Vijayakumar had held that the individual had not undergone Child Psychology training thereby not fulfilled the condition stated in G.O.Ms.No.155 and 150, hence the individual is not entitled to approval of appointment and not entitled to any benefits and dismissed the writ appeal filed by the individual vide judgment dated 22.12.2022. In W.A.(MD)Nos. 975 and 977 of 2021 in the case of T.Kalaiarasan and K.Elizabeth Mariammal the Hon'ble Division Bench consisting of Justice Anita Sumanth and Justice C.Kumarappan had followed the Uswathun's case, Pallivasal case and dismissed the writ appeals filed by the individuals vide judgment dated 14.10.2025. In W.P. (MD)No.6238 of 2023 in the case of V.Ananthi the Learned Single Judge Justice Mummineni Sudheer Kumar had followed the T.Kalaiarasan and K.Elizabeth Mariammal case stated supra and dismissed the writ petition filed by the individual vide judgment dated 09.03.2026. Also referred the judgment rendered in J.Annie and S.Punitha.

16. In all the cases stated supra the Courts have consistently held that the teachers covered under G.O.Ms.No.155 are entitled only to two reliefs, one the government cannot recovery the salary already paid to the



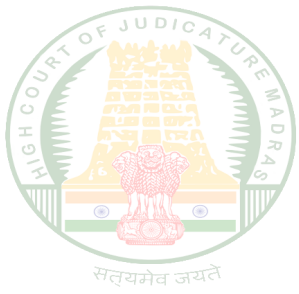
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teachers and the past service can be calculated only for pension alone.

Consequently, the teachers are not entitled to salary for the past service, past service cannot be taken for granting promotions, for fixing salary, for granting selection grade or special grade, for special incentives, for special pay or incentives for higher qualifications etc. While that being so, the petitioner is claiming to grant selection grade and special grade by taking past service. And the same cannot be granted based on the judgments cited supra and based on the G.O.Ms.No.155.

17. The above referred judgments had rejected the claim of the petitioner but the contention of the petitioner is that in a similar case in W.P.(MD)No.6505 of 2007 the Learned Single Judge Justice S.Manikumar vide order dated 16.08.2012 has held that once the approval of appointment is granted then the teacher is entitled to all monetary benefits and the portion of the order is extracted hereunder:

13. In the case on hand, the Teachers belonging to the Pallivasal Higher Secondary School, Mudukulathur, Ramanathapuram Distrid were appointed on 21.12.1996. Admittedly, they have completed Years of Service in 2006. As stated supra, their appointments have been approved as Secondary Grade Teachers earlier. As observed in the order in W.P.No. 9854 of 1998 dated 23.11.1998, approval of appointment is unconditional and that there is no alternation in the service condition. As the petitioners have completed 10 Years of service in 2006, in the post of Secondary



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Grade Teachers, and considering the object in granted the Selection Grade Scale of Pay, that is to avoid stagnation in any particular post, this Court is of the view that the petitioner is entitled to the relief sought for. The objections of the respondents are overruled. On the facts and circumstances of the case, a Mandamus is issued directing the Third Respondent to grant Selection Grade Scale of pay to the Teachers of the petitioner School, namely (1) S.Muthu Madasamy and (2) Ali Akbar with effect from 21.12.2006 and pay all the benefits, within a period of Two Months from the date of receipt of a copy of this order.”

This Court is of the considered opinion that the above case has not dealt with the issue, if the teacher is not having requisite qualification whether the appointed is valid. Therefore, the general proposition that once the approval of appointment is granted then the teacher is entitled to all monetary benefits cannot be applied in the cases of child psychology issue. Further this Court is of the considered opinion the judgement referred by the petitioner cannot be followed as precedent. The order in W.P.(MD)No.6505 of 2007 was passed following the order passed in W.P.No.9854 of 1998 dated 23.11.1998. It is pertinent to state that the order dated 23.11.1998 passed in W.P.No.9854 of 1998 had not adverted to the elaborate well-reasoned judgment dated 08.12.1994 passed by Justice Kanagaraj (which order was affirmed subsequently by Hon'ble Division Bench in Uswathun case as stated supra. Further Justice S.S.Subramani has dismissed the challenge to G.O.Ms.No.559 and upheld

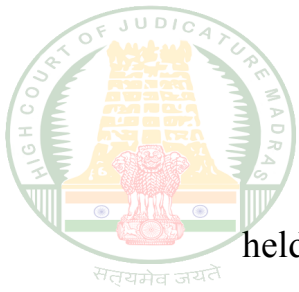


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the said G.O. vide order dated 19.05.1998 by confirming and affirming the view of Justice Kanagaraj and this order was also not adverted to in the order dated 23.11.1998 passed in W.P.No.9854 of 1998, hence this order is an erroneous order.

18. Likewise, the order dated 16.08.2012 passed in W.P.(MD)No. 6505 of 2007 has also not followed or referred to the earlier orders of Justice Kanagaraj and Justice S.S.Subramani. Also not followed or referred the Hon'ble Division Bench judgment dated 29.01.2001 passed in Uswathan's case, judgement dated 02.04.2004 passed in Pallivasal case and judgement dated 08.09.2006 passed in Sri Rao Bahadur AKD Dharamaraja School. Admittedly the Hon'ble Division Bench judgements are prior to the order passed on 16.08.2012 in W.P.(MD)No.6505 of 2007, hence the order passed in W.P.(MD)No.6505 of 2007 is an erroneous order.

19. In another case in W.P.(MD)No.16890 of 2017 vide order dated 07.09.2017 the Learned Single Judge Justice T. Raja had allowed the writ petition by following the order passed in W.P.(MD)No.6505 of 2007. As



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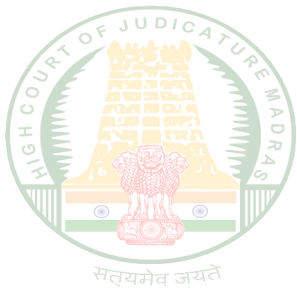
held supra the order in W.P.(MD)No.6505 of 2007 is erroneous order and the same cannot be followed. In W.P.(MD)No.16890 of 2017, the Learned Single Judge had also followed the judgment dated 12.07.2017 passed in W.A.(MD)No.1085 of 2014 batch. In the writ appeal in W.A.(MD)No. 1085 of 2014 batch the Hon'ble Division Bench consisting of Justice K.K.Sasidharan and Justice G.R.Swaminathan had held as under:

The Government of Tamil Nadu is on appeal, questioning the common order dated 24 February 2014, allowing W.P.(MD).Nos. 2368 to 2370 of 2014 and dated 06 January 2014 in W.P.(MD).No. 19571 to 19573 of 2013,

2.The case of the writ petitioners is that there were appointed as Secondary Grade Teachers on various dates, which appointments were also duly approved. The writ petitioners were called upon to undergo Child Psychology Training. Subsequently, when they were granted Selection Grade on completion of 10 years of service, authorities took the stand that this period of 10 years will be counted only from the date, when they completed the Child Psychology Training and not from the date of their initial appointment. The writ petitioners represented to the Authorities, but the Chief Educational Officer, Trichy, passed the impugned orders of rejection.

3.Aggrieved by the same, the said writ petitions were filed. The learned single Judge, at the very outset, observed that the issue involved in the writ petitions was no longer *res integra*. He referred to the earlier order dated 06 January 2004 made in W.P. (MD)No.19571 to 19573 of 2013 and allowed the writ petitions. It is against the said order that the present writ appeals have been preferred. We have gone through the earlier orders passed both by the learned single Judge as well as the Division Bench.

4.When the appointments of the writ petitioners were approved, the confirmation of Selection Grade will have to be given on



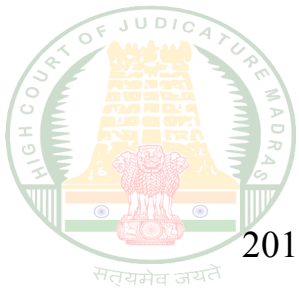
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completion of 10 years therefrom. Merely because the Child Psychology Training course was undergone by them later, the completion of 10 years of service cannot be correspondingly deferred. This has been the consistent view taken by this Court on the earlier occasions. We see no reason to differ from the same. We find no merit in these writ appeals. Hence, these writ appeals stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

The Hon'ble Division Bench had followed an order dated 06.01.2004 passed by Learned Single Judge in W.P.(MD)No.19571 to 19573 of 2013. The writ order dated 06.01.2004 was passed subsequently to the earlier elaborate judgment rendered in Uswathan's case, hence the writ order in W.P.(MD)No.19571 to 19573 of 2013 becomes erroneous order. Further in the Hon'ble Division Bench judgment in W.A.(MD)No.1085 of 2014 batch absolutely there is no reference to the earlier elaborate judgments rendered in Uswathan's case, Pallivasal case and Sri Rao Bahadur AKD Dharamaraja School case, which had discussed the issues thoroughly and the issue of child psychology cases were settled. Further there is no reference or discussion of G.O.Ms.No.155. Hence the judgment rendered in W.A.(MD)No.1085 of 2014 batch becomes *peri incuriam*.

20. In another judgement dated 17.09.2021 in W.A.(MD)No.1474 of



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2017 in the case of the District Elementary Educational Officer Vs.

S.Kannagi by the Hon'ble Division Bench consisting of Justice V.Bharathidasan and Justice J.Nisha Banu had followed the *peri incuriam* judgement rendered in W.A.(MD)No.1085 of 2014, wherein it is held as under:

“The Writ Petition has been filed challenging the order passed by the Assistant Elementary Educational Officer, Melur, Madurai District, dated 27.03.2017, refusing to grant Selection Grade to the writ petitioner on the ground that the writ petitioner failed to undergo Child Psychology Training Course and she is entitled for the Selection Grade from the date on which she completed the Child Psychology Training Course.

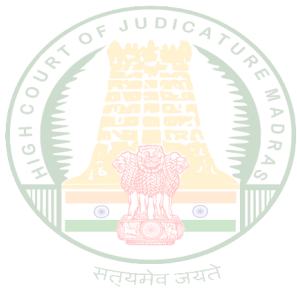
2. The learned Single Judge allowed the writ petition following the decision of the Division Bench of this Court in W.A(MD)Nos. 1085, 1086, 726 and 1455 to 1457 of 2014, dated 12.07.2017. Now, challenging the said order, the appellants/respondents 1 and 2, have filed this writ appeal.

3. Mr.V.Panneerselvam, learned counsel for the first respondent/writ petitioner would submit that the writ petitioner was appointed on 23.03.1998. Thereafter, her appointment was approved by the competent authority on 08.05.1998 and from that date, her service should be counted for awarding Selection Grade. So far as the Child Psychology Training Course is concerned, she has completed the said Course during May, 2003. According to the learned counsel, once the appointment was approved and confirmed by the competent authority, awarding of Selection Grade would automatically follow on completion of ten years and he relied upon the decision of the Division Bench of this Court in W.A(MD)No.1085 of 2014 etc., batch, dated 12.07.2017.

4. The learned Government Advocate appearing for the appellants is not in a position to dispute the above submissions.

5. We have considered the submissions on either side and perused the materials available on record.

6. The issue involved in the writ petition is no more *res integra*.



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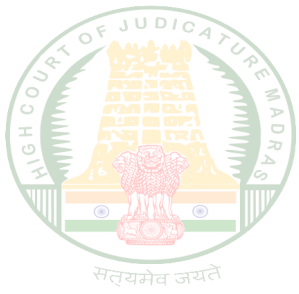


The Division Bench of this Court in W.A(MD)No.1085 of 2014 etc., batch dated 12.07.2017, has held that once the appointment is approved, the Selection Grade has to be given on completion of 10 years therefrom. Merely because the Teacher undergone the Child Psychology Training Course at later time, it cannot be a reason for denying the Selection Grade. The relevant portion of the said decision is extracted hereunder:

“4. When the appointments of the writ petitioners were approved, the confirmation of Selection Grade will have to be given on completion of 10 years therefrom. Merely because the Child Psychology Training Course was undergone by them later, the completion of 10 years of service cannot be correspondingly deferred. This has been the consistent view taken by this Court on the earlier occasions. We see no reason to differ from the same. We find no merit in these writ appeals. Hence, these writ appeals stand dismissed. No Costs...”

7. Considering the above, we find no reason to interfere with the order passed by the learned Single Judge. Hence, the writ appeal is liable to be dismissed and accordingly, dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.”

From the above it is evident absolutely there is no reference to the earlier elaborate judgments rendered in Uswathan’s case, Pallivasal case and Sri Rao Bahadur AKD Dharamaraja School case and Sundaravel Raj case, which had discussed the issues thoroughly and the issue of child psychology cases were settled. Further there is no reference or discussion of G.O.Ms.No.155. But has followed *peri incuriam* judgment rendered in W.A.(MD)No.1085 of 2014 batch.



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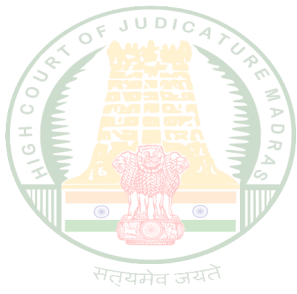
21. Aggrieved over the order passed in W.P.(MD)No.16890 of 2017 (which is referred supra), the government preferred writ appeal in W.A. (MD)No.715 of 2021 and the Hon'ble Division Bench consisting of Justice G.R.Swaminathan and Justice P.Vadamalai had dismissed the government appeal vide order dated 28.11.2024 by following the per incuriam judgment passed in W.A.(MD)No.1085 of 2014 batch. Again, in this W.A.(MD)No.715 of 2021 also absolutely, there is no reference to the earlier elaborate judgments rendered in Uswathan's case, Pallivasal case, Sri Rao Bahadur AKD Dharamaraja School case and Sundaravel Raj case, which had discussed the issues thoroughly and the issue of child psychology cases were settled. Further there is no reference or discussion of G.O.Ms.No.155.

22. Therefore, this Court by relying on the earlier two Division Bench judgments rendered in Sundaravel Raj (wherein it is held some of the judgments passed in the writ petitions and writ appeals are wrong



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judgments) and D.Sekar Franklin case (wherein it is held the basic fact cannot be lost sight of and declined the relief to the individual), is of the considered opinion that the judgments rendered in W.A.(MD)No.1085 of 2014 batch, W.A.(MD)No.1474 of 2017, W.A.(MD)No.715 of 2021 and any judgments following the same are wrong judgments. Further the said judgments had not followed the earlier elaborate well-reasoned judgments passed on Uswathan, Pallivasal, Sri Rao Bahadur AKD Dharamaraja School and Sundaravel Raj cases, thereby the judgments rendered in W.A.(MD)No.1085 of 2014 batch, W.A.(MD)No.1474 of 2017, W.A.(MD)No.715 of 2021 and any judgments following the same are *peri incuriam*. Also, the orders passed in W.P.No.9854 of 1998, W.P.(MD)No.6505 of 2007, W.P.(MD)No.19571 to 19573 of 2013, W.P.(MD) No.16890 of 2017 and any orders passed by following the said orders are wrong orders and are *peri incuriam*. Hence by citing the said orders / judgments the petitioner cannot seek the relief of selection grade. The petitioner is not entitled to the relief based on G.O.Ms.No.155 and based on the judgments rendered in Uswathan, Pallivasal, Sri Rao Bahadur AKD Dharamaraja School and Sundaravel Raj cases and the petitioner claim is liable to be rejected and accordingly rejected.



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23. For the reasons stated supra, this Writ Petition is dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

10.07.2026

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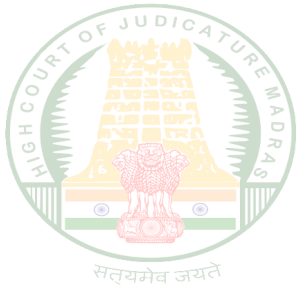
1.The commissioner of school education,
E.V.K.Sampath Buliding,
DPI Complex, Chennai -600 006.

2.The Director of School Education,
E.V.K.Sampath Buliding,
DPI Complex, Chennai -600 006

3.The District Eduaction Officer,
Paramakudi,
Ramand District.

4.The Correspondent,
Sourashtra Higher Secondary School
Paramakudi,
Ramand -District

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S.SRIMATHY.J

KSA

Order made in

W.P(MD)NO.19709 OF 2022

DATE:10.07.2026