

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.9964 of 2015

A.Halimabee

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
D.P.I. Compound, College Road,
Chennai - 600 006.

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to extend the benefits of G.O.Ms.No.234, School Education Department, dated 10.09.2009, to the petitioner and award Selection Grade / Special Grade in the post of Elementary School Headmaster with all attendant benefits by counting the entire service rendered as Secondary Grade Teacher / Elementary School Headmaster and confer all consequential benefits.

For Petitioner : Mr.G.Amalraj

For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

ORDER

Heard both sides. With the consent of both sides and the prayer sought for in this writ petition is covered by the decisions of this Court, this writ petition itself is taken up for final disposal.

2. The petitioner joined the service as Secondary Grade Teacher on 10.01.1979 and he was promoted as Elementary School Headmaster on 16.06.2003 and working at Panchayat Union Middle School. In the meantime, he was granted Selection Grade and Special

Grade in the post of Secondary Grade Teacher on 10.01.1989 and 10.01.1999 respectively. His claim is that prior to 01.06.1988, the scale of pay of the Secondary Grade Teacher and the Primary School Headmaster were one and the same and in those circumstances, the Secondary Grade Teachers had also held the post of Elementary School Headmaster and the appointment to the post of Primary School Headmaster was not based on seniority.

3. Only from 01.06.1988, the Elementary School Headmaster post became promotional post and higher scale of pay was prescribed. In those circumstances, various Government Orders were issued and number of writ petitions were filed and hundreds of Secondary Grade Teachers, who were appointed before 01.06.1988 were granted Secondary Grade / Special Grade in the post of Primary School Headmasters by counting the service rendered in Secondary Grade Teacher post.

4. The history of this issue was considered by me at length in the judgment dated 11.11.2014 in W.P.No.25001 of 2012, wherein, I categorically held that the Secondary Grade Teacher, who joined service before 01.06.1988, shall be granted the Selection Grade and Special Grade in the post of Primary School Headmaster, by counting the service rendered as Secondary Grade Teacher. It is relevant to extract paragraph 65 of the said order which reads as hereunder :

"65. For all the aforesaid reasons, the writ petition is allowed and the proceeding dated 23.07.2010 in Na.Ka.No.2200/C2/2010 of the second respondent is quashed and a direction is issued to the respondents to extend the benefit of counting the service of Secondary Grade Teacher for grant of Selection Grade and Special Grade in the post of Primary School Headmaster with monetary benefits to the persons who were promoted after 01.06.1988, if those teachers joined prior to 01.06.1988 without reference to the date of promotion as Primary School Headmaster and without driving them to this Court to obtain an order in their favour and also a direction is issued to the respondents to pay the monetary benefits, i.e., arrears of pay to the petitioners, pursuant to the grant of Special Grade in the post of Primary School Headmaster with effect from 01.07.1994, 14.01.1999 and 07.11.1992 by the fourth respondent in the proceeding dated 07.01.2012, 27.01.2012 and 10.02.2012 respectively, within a period of eight weeks from the date of receipt of a copy of this order."

5. In the light of the above, this writ petition is allowed and a direction is issued to the second respondent to grant Selection Grade and Special Grade of Primary School Headmaster to the petitioner, with arrears within a period of twelve weeks from the

date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

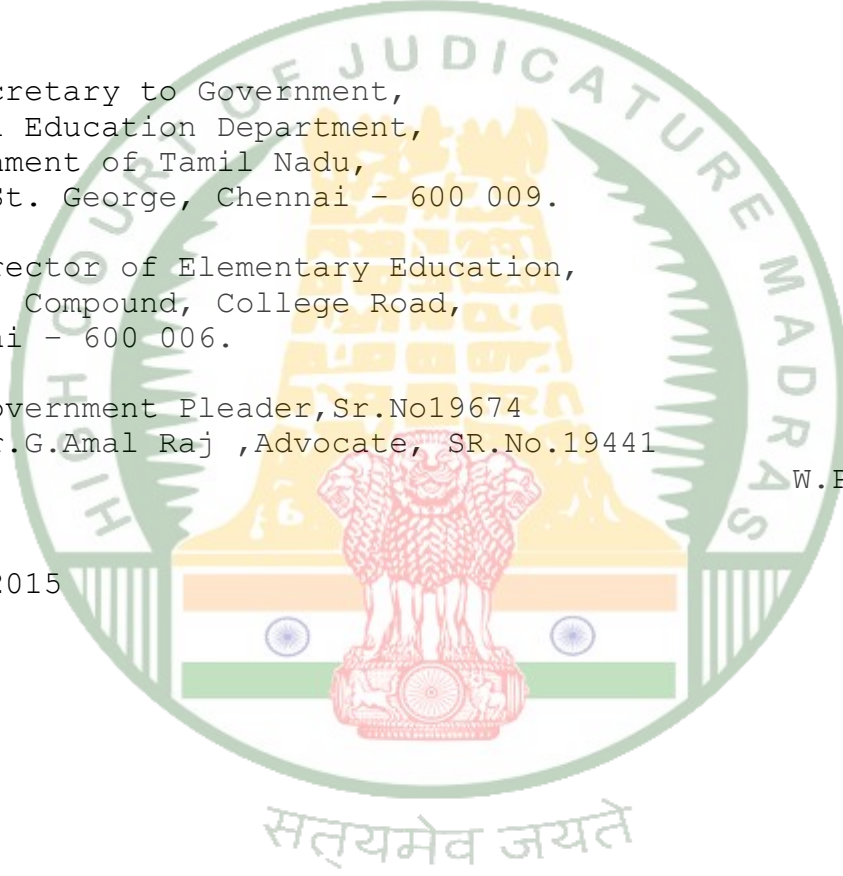
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To

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
D.P.I. Compound, College Road,
Chennai - 600 006.

- 1 cc to Government Pleader, Sr.No19674
1 cc to Mr.G.Amal Raj ,Advocate, SR.No.19441

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