



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO  
and  
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1170 of 2016  
and C.M.P(MD)No.7513 of 2016

- 1.The Government of Tamil Nadu,  
Rep.by Principal Secretary,  
Department of School Education,  
Fort.St.George,  
Chennai-600 009.
- 2.The Director of Elementary Education,  
Chennai.
- 3.The District Elementary Educational Officer,  
Theni District. ...Appellants/Petitioners

-Vs-.

R.Rajamanickam ... Respondent/Writ Petitioner

Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 17.09.2013 made in W.P(MD)No.2126 of 2013.

Prayer in WP(MD). 2126/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a WRIT OF MANDAMUS, directing the Respondents to consider the representation of the Petitioner dated 05-09-2012 seeking to award Special Grade on 01-06-1988 in the post of Middle School B.T. Headmaster by taking into account the entire services of Secondary Grade Teacher, Primary Headmaster and the Middle School Headmaster in the light of G.O.Ms.No.210, School Education (G1) Department, dated 14-08-2009 and G.O.Ms.No.146, School Education (G1) Department, dated 19-06-2012.

For Appellants : Mr.VR.Shanmuganathan  
Spl.Government Pleader.

For Respondent : Mr.R.Subramanian



## JUDGMENT

(Judgment of the Court was delivered  
by NOOTY.RAMAMOohana RAO,J)

This writ appeal has been preferred against the order, dated 17.09.2013 rendered in W.P(MD)No.2126 of 2013.

2. Three writ petitions W.P(MD)Nos.2125, 2126 and 2127 of 2013 were heard together and they were decided by a common order rendered on 17.09.2013. It is now brought out that the learned Single Judge, while allowing all the three writ petitions, directed the State Government to extend the benefit of G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009, to the petitioners also and to give them Special Grade for the post of Middle School B.T. Headmaster with effect from 01.06.1988 by taking into account the services rendered by them as Secondary Grade Teacher, Primary School Headmaster and Middle School Headmaster as the case may be. It is now brought out that, in respect of the other two writ petitions namely W.P(MD)Nos.2125 and 2127 of 2013, the order of the learned Single Judge has already been complied with and two teachers were accorded the benefit of Special Grade. In respect of the present writ petitioner in W.P (MD)No.2126 of 2013, the benefit has not been extended so far.

3. When the other teachers, who are similarly placed, have already been accorded the benefits of Special Grade Teacher, we fail to understand as to why one person out of them could be left out. We are not convinced with the submission made by the learned Special Government Pleader that the teachers concerned are not at all entitled to Special Grade pay. Therefore, the writ appeal is dismissed. It is brought to our notice that an application seeking an appropriate amendment to be made to the order passed by the learned Single Judge has since been moved and that application is still pending. It is needless to observe that the said application may be dealt with on its own merits, uninfluenced by the fact that the writ appeal is dismissed. No costs. Consequently, the connected Miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

TO

1.The Principal Secretary,  
The Government of Tamil Nadu,  
Department of School Education,  
Fort.St.George,  
Chennai-600 009.



2.The Director of Elementary Education, Chennai.

3.The District Elementary Educational Officer,  
Theni District.

+1cc to special Government Pleader SR.no.43665

+1cc to Mr.R.Subramanian, Advocate SR.No.43724

gsr

sm:KP:23.08.2016:3P/6C

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