



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12633 of 2016

K.Pushparaj Xavier

..Petitioner

Vs.

1.The Principal Secretary to Government,
School Education (G1) Department,
Chennai.

2.The Director of Elementary Education,
College Road,
Chennai.

3.The District Elementary Education Officer,
Collectrate,
Dindigul District,
Dindigul.

4.The Assistant Elementary Education Officer,
Assistant Elementary Education Office,
Sanarpatti,
Dindigul District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, to direct the respondent to extend the benefits of the Government orders in G.O.Ms.No.210 dated 14.08.2009 and G.O.Ms.No.190 dated 12.07.2010 in favour of the petitioner and further directing the respondents to count the service rendered by the petitioner before 01.06.1988 as Secondary Grade Teacher for the purpose of fixation of Selection Grade/Special Grade scale of pay in the post of Middle School Graduate Headmaster and further to grant arrears of pay to the petitioner.

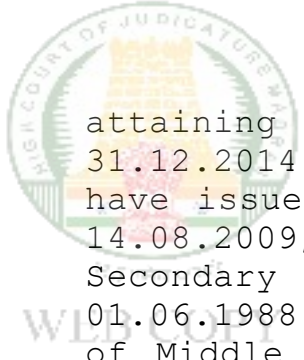
For Petitioner : Mr.B.Saravanan

For Respondents : Mr.R.Anandha Raj

Government Advocate

O R D E R

This writ petition has been filed by K.Pushparaj Xavier, who was originally appointed as a Secondary Grade Teacher in Valcherypatti Elementary School on 29.11.1983, after promotion to the post of Primary School Headmaster on 01.06.2000, was further promoted to the post of Middle School Headmaster in the Panchayat Union Middle School, Marunoothu, on 05.07.2005. However, on



attaining the age of superannuation, he retired from service on 31.12.2014. The grievance of the petitioner is that the Government have issued G.O.Ms.No.210 School Education (G1) Department, dated 14.08.2009, stating that the length of service in the post of Secondary Grade Teacher and Elementary School Headmaster prior to 01.06.1988 shall be reckoned to provide Special Grade in the post of Middle School Graduate Headmaster. However, after issuance of the above said Government Order, similarly placed Middle School Graduate Headmasters filed number of writ petitions before this Court, seeking to grant the benefit of G.O.Ms.No.210 dated 14.08.2009.

2. Heard both sides.

3. When the matter is taken up for hearing, Mr.B.Saravanan, learned Counsel appearing for the petitioner submitted that the issue is covered by an order of this Court in W.P.(MD).No.10891 of 2016, dated 21.06.2016.

4. The said submission is not disputed by the learned Government Advocate appearing for the respondents.

5.This Court, in similar circumstances, has passed the following order in W.P.(MD).No.10891 of 2016, dated 21.06.2016, which is given as under:-

" 3.The petitioners in all these writ petitions were working as Secondary Grade Teachers in various schools. Later, they were all promoted as Headmasters of Elementary Schools and Graduate Headmasters of Middle School, on various dates. Ultimately, they attained superannuation on different dates. According to the petitioners, the length of services rendered by them as Secondary Grade Teacher and Elementary School Headmaster was not taken into account for awarding Selection Grade as well as Special Grade in the post of Middle School Graduate Headmasters. In this regard, according to them, the Government issued G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009, wherein the Government had directed that the period of service rendered by the teachers as Secondary Grade Teachers and Elementary School Headmaster, prior to becoming the Graduate Headmaster of Middle School, should also be taken into account for awarding Selection and Special Grade of pay. However, the benefit of G.O.Ms.No.210 was given only to 65 persons. Thereafter, a number of writ petitions were filed by similarly placed persons and a learned Single Judge of this Court had dismissed those writ petitions. However, on appeal, a Division Bench of this Court in a batch of writ appeals in W.A.(MD).Nos.815 of 2010, etc. batch, by order dated 07.10.2011, had issued a direction to the respondents therein to extend the benefits of G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009, to the



appellants therein. Therefore, according to the learned counsel for the petitioners, the petitioners are also entitled for the same relief.

2.The learned Additional Government Pleader appearing for the respondents would submit that the order of the Division Bench has been complied with in respect of those persons and as far as these petitioners are concerned, their requests would be considered by the respondents."

6. In the light of the above decision, this Writ Petition stands allowed with a direction to the respondents to extend the benefits of G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009 and G.O.Ms.No.190, School Education (G1) Department, dated 12.07.2010, to the petitioner also. Such exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Principal Secretary to Government,
School Education (G1) Department, Chennai.

2.The Director of Elementary Education,
College Road, Chennai.

3.The District Elementary Education Officer,
Collectrate, Dindigul District, Dindigul.

4.The Assistant Elementary Education Officer,
Assistant Elementary Education Office,
Sanarpatti, Dindigul District.

+1cc to M/s.B.Saravanan, Advocate in SR.37885

+1cc to the Special Government Pleader, in SR.37911

W.P. (MD) No.12633 of 2016
19.07.2016

pjl

PBK/DB/SAR-III 16/08/2016 ::3P-7C::