



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.08.2017
CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.1426 of 2014
and
M.P.(MD)No.1 of 2014

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

2.The Director of School Education,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Tirunelveli.

4.The District Educational Officer,
Tenkasi.

: Appellants

Vs.

M.Manoharan

: Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 04.06.2014 made by an order in W.P.(MD)No.5678 of 2014 and thereby allow the Writ Appeal.

Prayer in WP(MD) . 5678/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 4th respondent dated 25.11.2013 in O.Mu.No.5352/A2/2012 and quash the same and consequently direct the 4th respondent to grant selection grade of pay Scale of petitioner with effect from 20.2.2006.

For Appellants

: Mr.T.S.Md.Mohideen
Additional Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The Government of Tamil Nadu is on appeal challenging the order dated 04.06.2014 allowing W.P.(MD)No.5678 of 2014, filed by the respondent herein.

2.The respondent was working as a Secondary Grade Teacher in an Aided School. Certain issues arose with regard to his appointment, since he was having only B.Sc., B.Ed., qualification. The matter was taken up before this Hon'ble Court and subsequently, G.O.No.155 dated 03.10.2002, was issued by the Government, whereby, the B.T. Teachers who were appointed in the sanctioned Secondary Grade posts were asked to undergo one month Child Psychology Training. Thereafter, the respondent underwent the said training from 31.05.2003 to 01.07.2003.

3.The grievance of the respondent was that though he had been working for 18 years, he was not given the Selection Grade Pay Scale. Therefore, he represented to the authorities. The authorities by order dated 25.11.2013 rejected his claim. He filed W.P.(MD)No.5678 of 2014 for quashing the said order of rejection and for directing the authorities to grant him Selection Grade Pay Scale with effect from 20.02.2006. When the matter was taken up before the learned Single Judge, the learned Additional Government Pleader admitted that the issue raised by the writ petitioner was covered by the decisions of this Court. Therefore, the learned Single Judge allowed the writ petition and issued a consequential direction to grant Selection Grade Pay Scale to the writ petitioner with effect from 20.02.2006.

4.When the writ petition was allowed based on the submission made by the learned Additional Government Pleader that the issue stood covered by the earlier decision of this Court, we fail to understand as to how this Writ Appeal would lie. The order impugned in this Writ Appeal is a consent order. This Writ Appeal would therefore not lie and the same fails.

5.The Writ Appeal stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/



To

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

2.The Director of School Education,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Tirunelveli.

4.The District Educational Officer,
Tenkasi.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.70219

MR

MK/SV.MMS/SAR.4/8.11.2017/3P-6C

JUDGMENT MADE IN
W.A(MD) No.1426 of 2014
01.08.2017