



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.476 of 2014 and
M.P.(MD)No.1 of 2014

1. The Government of Tamil Nadu,
Rep. by the Secretary to Government,
School Education Department,
For St.George, Chennai.

2. The Chief Educational Officer,
Madurai.

: Appellant/Respondent

Vs.

A.Subramanian

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P.(MD)No.6869 of 2005 passed by Learned Judge dated 09.02.2011.

Prayer in WP(MD). 6869/ 2005 :

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 order of the 1st respondent dated 05.03.2001 issued in G.O.Ms.No.38 School Education (S2) Department, and quash the same and further direct the respondents to award Selection Grade/Special Grade in the post of Tamil Pandit taking into account the service rendered as Selection Grade Secondary Grade Assistant with all consequential benefits.

For Appellants

: Mr.T.S.Md.Mohideen

Additional Government Pleader

For Respondent

: Mr.Sudhakaran

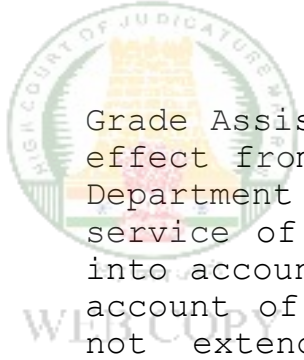
JUDGMENT

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

The Government of Tamil Nadu is on appeal questioning the order dated 09.02.2011, made in W.P.(MD)No.6869 of 2005, filed by the respondent herein.

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2.The respondent herein was originally appointed as Secondary



Grade Assistant. He was subsequently promoted as Tamil Pandit, with effect from 16.02.1965. The Government issued G.O.Ms.No.210 P.A.AR Department dated 11.03.1987, to the effect that the Selection Grade service of the employee, rendered in the feeder grade can be taken into account for awarding Selection Grade in the promotion post. On account of the difference in the scale of pay, the Government did not extend the benefit of considering the writ petitioner's Selection Grade Secondary Grade service, while determining the issue of conferring the Selection Grade in the post of Tamil Pandit. This led to filing of W.P.6869 of 2005, by the respondent herein.

3.The learned Judge noted that W.P.(MD)No.8079 of 2006, raising a similar issue was concluded in favour of the employee and against the Government and that the same was also complied with by issuance of Government Orders. Since the writ petitioner was similarly placed, the learned Judge allowed W.P.(MD)No.6869 of 2005.

4.There is absolutely no justification in taking a different view. This Court carefully went through the grounds taken in the writ appeal. The reason given in the order allowing the writ petition has not at all been dealt with. The learned Judge noted that the writ petition raising the same issue was answered in favour of the employee and that the Government had also complied with the order made in the writ petition. If the writ petition filed by the respondent herein is dismissed, it will only be a clear case of discrimination. Therefore, we find no merit in this writ appeal.

5.This Writ Appeal is therefore dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
For St.George, Chennai.

2. The Chief Educational Officer, Madurai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70211
+ 1 CC TO Mr.I.SUDHAKARAN, ADVOCATE IN SR No. 69503

MR

TE/KK/SAR-IV : 29/08/2017 : 2P/5C

JUDGMENT MADE IN
W.A(MD)No.476 of 2014 and
M.P. (MD)No.1 of 2014
01.08.2017