



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.12.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P (MD) No.10861 of 2014

S.Madasamy

... Petitioner

Vs.

1. The Government of Tamilnadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Secretariat,
Chennai 600 009
2. The Director of Elementary Education,
D.P.I.Campus, College Road, Nungambakkam,
Chennai 600 006.
3. The District Elementary Education Officer,
Tirunelveli District,
Tirunelveli.
4. The Assistant Elementary Education Officer,
Manoor, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to treat the services rendered by the petitioner in the place of Higher Grade Teacher from 06.01.1967 to 30.03.1970 as Secondary Grade Teacher and award all attendant benefits in the light of the order dated 05.01.2010, passed by this Hon'ble Court in W.P.No.38449 of 2006.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

This writ petition has been filed, praying for direction to the respondents to treat the services rendered by the petitioner in the place of Higher Grade Teacher from 06.01.1967 to 30.03.1970 as Secondary Grade Teacher and award all attendant benefits in the

light of the order dated 05.01.2010, passed by this Hon'ble Court in W.P.No.38449 of 2006.

2.The learned counsel for the petitioner would submit that the petitioner was completed 11th standard (S.S.L.C) in the year 1964 and he has passed Secondary Grade Training (Senior Basic Teacher Certificate) in the year 1966. He was qualified to be appointed as Secondary Grade Teacher. But on 01.01.1967, he was appointed in a lower post as Higher Grade Teacher in the Panchayat Union Elementary School, Sayamalai, Madathupatti and he was promoted as Secondary Grade Teacher on 28.03.1970 and posted at Panchayat Union Elementary School, Vanniconendal. Subsequently, the Government revised the pay scales of Higher Grade Teacher, who were qualified to be appointed as Secondary Grade Teacher and fixed the pay scale of Secondary Grade Teacher with effect from 01.01.1971. On completion of 10 years, the petitioner was awarded selection Grade and on completion of 20 years, he was awarded Special Grade and retired from services in the year 31.03.2005 as Headmaster in the Panchayat Union Elementary School, Manoor Union, Tirunelveli District.

3.Though he was having the qualification for the post of Secondary Grade Teacher on the date of appointment i.e 06.01.1967, he was awarded pay scale of Secondary Grade Teacher with effect from 30.03.1970. Subsequently, several persons filed Writ petitions before this Court and this Court on 05.01.2010 in W.P.No.38449 of 2006 has held that there cannot be any intelligible difference between the Secondary Grade Certificate holder served in the Higher Grade place after 01.01.1971 and prior to 01.01.1971. He further submitted that as per order of this Court, the Higher Grade Teachers served prior to 01.01.1971 are also entitled to receive the pay benefits of Secondary Grade post for their services done prior to 01.01.1971 and the petitioner gave a representation on 07.04.2014. Since there was no action, the present Writ petition has been filed by the petitioner.

4.In the light of the Judgement passed in W.P.No.38449 of 2006 dated 05.01.2010, this Court directs the respondents to consider the case of the petitioner, if he is otherwise eligible and pass necessary orders within a period of three months from the date of receipt of a copy of this order.

5.With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/



To

1. The Principal Secretary,
Government of Tamilnadu,
Department of School Education,
Fort St.George, Secretariat,
Chennai 600 009

2. The Director of Elementary Education,
D.P.I.Campus, College Road, Nungambakkam,
Chennai 600 006.

3. The District Elementary Education Officer,
Tirunelveli District,
Tirunelveli.

4. The Assistant Elementary Education Officer,
Manoor, Tirunelveli District.

+ 1 cc TO Mr.R.Subramanian , Advocate in SR No. 93682

+ 1 cc TO The Special Government Pleader in SR No. 93810

msa

AE/SV MMS/SAR2/02.03.2018/3P/7C

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