



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

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WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.1520 of 2015

1. K.Angusamy
2. R.M.Palanisamy
3. V.Dharmalingam

... Petitioners

-vs-

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-9.
2. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-6.
3. The District Elementary Educational Officer,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to pass orders on the representations dated 24.06.2014 of the petitioners in the light of the orders passed in W.A.No.2757 of 2010 dated 13.07.2011 and also in the light of G.O.Ms.No.216 School Education (G2) Department dated 30.12.2011, to extend the benefits of G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009 in favour of the petitioners within the stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.K.Muthumalai
For Respondents : Mr.M.Rajarajan
Govt. Advocate

O R D E R

This petition has been filed, seeking to direct the 1st respondent to pass orders on the representations dated 24.06.2014 of the petitioners in the light of the orders passed in W.A.No.2757 of 2010 dated 13.07.2011 and also in the light of G.O.Ms.No.216 School Education (G2) Department dated 30.12.2011,



to extend the benefits of G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009 in favour of the petitioners.

2. The case of the petitioners is that similarly placed persons (numbering 63) as that of the petitioners filed Original Applications, demanding fixation of their pay in the post of Elementary School Headmaster (Selection Grade / Special Grade) from 01.06.1988 as per the provision laid in G.O.Ms.No.1381, Education Department dated 05.10.1990 by taking into account their whole service in the cadre of Secondary Grade Teacher and Elementary School Headmaster and the relief sought for in those applications were allowed, against which, the State preferred an appeal in W.P.Nos.29644 and 29645 of 2013, which were subsequently dismissed by this Court, thereby the order of the Tribunal attained finality; that after dismissal of the writ petition, the 1st respondent issued G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009 and implemented the order of the Tribunal only in respect of those 63 persons alone; therefore, the petitioners submitted representation dated 24.06.2014 to extend the said benefit to them also, which did not evoke any response. Therefore, the petitioners are before this Court, seeking the direction stated supra.

3. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents, who would submit that the 1st respondent is prepared to consider the representation of the petitioners and to pass suitable orders on the same.

4. In view of the limited scope of the prayer sought for by the petitioners, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the representation dated 24.06.2014, submitted by the petitioners and to pass appropriate orders thereon on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order, if there is no legal impediment to do so.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

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To:

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,

<https://hcservices.courts.gov.in/hcservices/>
P.O. St. George, Chennai-9.



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

3. The District Elementary Educational Officer,
Ramanathapuram District,
Ramanathapuram.

+1CC to Mr.K.Muthumalai, Advocate Sr.No.1604
+1CC to Spl.Government Pleader Sr.No.1134

GJM/MR/9.2.17-3p/6c

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