



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2017

CORAM:

WEB COPY

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**W.P. (MD)No.2494 of 2014**

R.Swaminathan

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its
Principal Secretary to Government,
School Education Department,
Secretariat, Chennai.

2. The Director of Elementary Education,
College Road,
Chennai - 600 006.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to fix pay i.e., Selection Grade and Special Grade pay by extending the benefits of the order dated 21.04.2008 of the Division Bench of the High Court of Judicature at Madras in W.A.No.233 of 2008 which was implemented by the Government in G.O.Ms.No.210, School Education (G.1) Department, dated 14.08.2009, G.O.Ms.No.190, Education Department, dated 12.07.2010, G.O.Ms.No.230, School Education Department, dated 10.08.2010 and G.O.Ms.No.146, Education Department, dated 19.06.2012 to the petitioner within a stipulated period.

For Petitioner

: M/s.S.Devasena

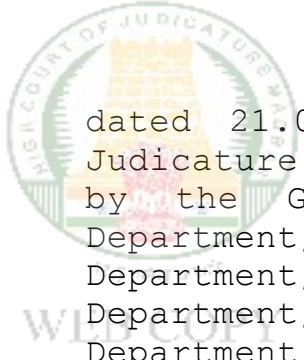
For Respondents

: Mr.V.Muruganantham

Additional Government Pleader.

O R D E R

The petitioner has filed this Writ Petition to issue a Writ of Mandamus directing the respondents to fix pay i.e., Selection Grade and Special Grade pay by extending the benefits of the order



dated 21.04.2008 of the Division Bench of the High Court of Judicature at Madras in W.A.No.233 of 2008 which was implemented by the Government in G.O.Ms.No.210, School Education (G.1) Department, dated 14.08.2009, G.O.Ms.No.190, Education Department, dated 12.07.2010, G.O.Ms.No.230, School Education Department, dated 10.08.2010 and G.O.Ms.No.146, Education Department, dated 19.06.2012 to the petitioner within a stipulated time as may be fixed by this Court.

2. The petitioner initially appointed as a Secondary Grade teacher on 01.01.1971 at Sanarpatti Union and then on 24.09.1980, he was promoted as Elementary School Headmaster. Thereafter, acquiring the prescribed qualifications for the post of Middle School Headmaster (B.Ed., Grade) he was promoted as Middle School Headmaster (B.Ed., Grade) on 10.10.1980 and retired from the post of Middle School Headmaster on 30.06.2000 from the Middle School, T.Ramarajauram, Sanarpatti Union, Dindigul District.

3. He would further submit that prior to 01.10.1970 the posts of Secondary Grade Teachers, Primary School Headmasters and Middle School Headmasters (Secondary Grade) were all equal in rank, carrying same time scale of pay and they were all transferable posts from one to another without following seniority. He would further submit that 02.10.1970 onwards the post of Middle School Headmasters became a promotional post with higher time scale of pay in Elementary Education and after 01.10.1979 the post of Middle School Headmaster (B.Ed., Grade) was created with additional qualification of B.T./B.Ed., B.A degree in Tamil with higher time scale of pay that of the Middle School Headmasters (Secondary Grade). As per the Special Rules for the Tamil Nadu Elementary Education Subordinate Services Rules, issued in G.O.Ms.No.1383, Education (PIS-I) Department dated 23.08.1988, the Headmaster/Headmistresses of Middle Schools (B.Ed., Grade), cadre belonged to Class-I category having the higher time scale of pay of Rs.780-35-1025-40-1385 plus special pay of Rs.35/-. After the creation of Middle School Headmasters (B.Ed., Grade), the respondents had promoted the senior most Secondary Grade Teachers and Senior Most Elementary School Headmasters having said qualifications to the post of Middle School Headmasters (B.Ed., Grade).

4. As per the recommendations of the 3 to 5 Pay Commission, the Middle School Headmasters (B.Ed., Grade) was given higher time scale of pay than that of the Middle School Headmasters (Secondary Grade). But on the recommendations of the VI Pay Commission both the posts were amalgamated and the time scale of pay was fixed as Ordinary Grade, Selection Grade and Special Grade. After amalgamation of the time scale of pay of Middle School Headmasters (Secondary Grade) was enhanced on par with the time scale of pay of Middle School Headmasters (B.Ed.,), but the benefit of getting Selection/Special Grade by counting entire previous service in Secondary Grade and Primary School Headmaster has not been

extended to the Middle School Headmasters (B.Ed., Grade).

5. As per the G.O.Ms.No.1381, Education Department dated 05.10.1990 the Elementary School Headmasters who were in service as on 01.01.1988 had been awarded Selection/Special Grade in the revised scale on or after 01.01.1988 by computing the period of service rendered as Secondary Grade Teacher as well as Primary School Headmaster prior to 01.06.1988

6. The respondents declined to adopt the same formula to the petitioner, as he is also the Middle school Headmaster. The Government in their letter No.86313/PC.II-5, Finance (PC.II) Department, which is communicated in the proceedings of the Director of Elementary Education, Madras-6, in R.C.No.18480/B/13/92, dated 21.04.1992 gave a clarification regarding fixation of pay of B.T.Middle School Headmasters as follows:-

"I am directed to invite your attention to the letter cited wherein it has been clarified that the services rendered by Headmasters, Secondary Grade in Selection Grade/Special Grade prior to 01.06.1988 may be reckoned for the purpose of awarding Selection Grade/Special Grade in the revised scale of pay of Headmaster (B.T.Grade) Middle School. We have been receiving lot of representation stating that these instructions are not being followed. Kindly follow those instructions given in the letter cited."

7. When the original applications filed by the Middle School Headmasters before the Tamil Nadu Administrative Tribunal, Chennai wherein an order dated 17.04.2002 was passed in favour of the applicants and another one Thiru.G.Krishna-moorthy filed in W.P.(MD).No.29624 of 2005 to implement the order dated 17.04.2002 and it was allowed. The State Government has filed W.A.No.233 of 2008 against the said order and the Division bench of the Madras High Court while dismissing the W.A.233 of 2008 has held that they are not inclined to interfere with the impugned order passed by the learned single Judge. Hence the Government has implemented the said order by issuing G.O.Ms.No.210, School Education (G.1) Department, dated 14.08.2009 in respect of only 65 individuals who had served as Middle School Headmasters (B.Ed., Grade) as on 01.06.1988. Hence, the other persons who did not get benefits pleaded before the Government and as per their request, the Government Orders namely G.O.Ms.No.210, School Education (G.1) Department, dated 14.08.2009, G.O.Ms.No.190, Education Department, dated 12.07.2010, G.O.Ms.No.230, School Education Department, dated 10.08.2010 and G.O.Ms.No.146, Education Department, dated 19.06.2012, were issued by the Government.

<https://hcservices.ecourts.gov.in/hcservices/>

8. The petitioner seeks those benefits granted under the above said Government Orders to be extended to him also.



9. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

10. The petitioner would plead the Government that issuing a direction ought not be suffice, the Government can consider the his representation and pass orders in view of the above said Government orders.

11. Hence, this Court directs the third respondent to consider the case of the petitioner, in view of the said Government orders referred above and fix pay i.e., Selection Grade and Special Grade pay by extending the benefits of the order dated 21.04.2008, if otherwise he is eligible and as per the decision rendered by this Court, referred above. The petitioner is directed to submit all the necessary particulars before the third respondent within a period of three weeks from the date of receipt of a copy of this order.

12. Accordingly, this Writ Petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To:

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

2. The Director of Elementary Education,
College Road, Chennai - 600 006.

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

+ 1 cc TO M/s.S.Devasena , Advocate in SR No. 91988

+ 1 cc TO The Special Government Pleader in SR No. 91950

kmi

AE/GT/SAR3/10.01.2018/4P/6C

ORDER MADE IN
W.P. (MD) No.2494 of 2014
08.12.2017