



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM:

WEB COPY

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

W.A. (MD) Nos. 778 & 779 of 2016
and
C.M.P. (MD) Nos. 4759 & 4761 of 2016

1. The Director of Elementary Education,
College Road,
Chennai-06.
2. The District Elementary Education Officer,
Virudhunagar District,
Virudhunagar.
3. The Additional Assistant Elementary Education Officer,
Sivakasi,
Virudhunagar District. ... Appellants in both W.As.

Vs.

S.Jeyakumar ... Respondent in both W.As.

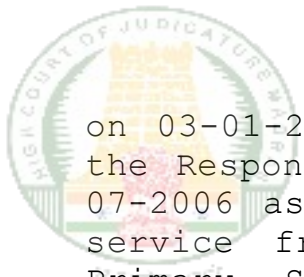
COMMON PRAYER: Writ Appeals filed under Clause 15 of Letter Patent, to set aside the order dated 05.04.2013 in W.P. (MD) Nos. 948 & 4138 of 2011.

Prayer in WP (MD). 948/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent, in Na.Ka.No. 1633/M1/2010 dated 29/10/2010 and quash the same as devoid of merits and direct the respondents to revise the petitioners salary in the selection grade scale of pay 5300-150-8300 with 4 increments as Rs. 5,900/- from, the date of my appointment on 08/12/2000 by considering the petitioner's representation dated 04/12/2010 within the period stipulated by this Honourable Court.

Prayer in WP (MD). 4138/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI TO MANDAMUS, to call for the records of the 3rd Respondent, in Na.Ka.No. 1474/Aa1(Aa2)/06 dated 00-01-2011 signed



on 03-01-2011 and quash the same as devoid of merits and direct the Respondents to give special grade to the Petitioner from 18-07-2006 as per G.O.Ms.No.992 dated 22-06-1979 by considering his service from the date of appointment on 18-07-1986 at Hindu Primary School, T.Karisalkulam, Vembakottai Panchayat Union, Virudhunagar District within the period stipulated by this Honourable Court.

For Appellants : Mr.T.S.Mohammed Mohideen
(in both W.As) Additional Government Pleader
For Respondent : Mr.S.Selva Kumar
(in both W.As)

COMMON JUDGMENT

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

The Director of Elementary Education is on appeal challenging the order dated 05.04.2013 allowing the W.P(MD) Nos.948 & 4138 of 2011 filed by the respondent herein.

2.The respondent herein was originally appointed in an aided private school before he joined the Government school. The question is whether the service put in by him in the aided institution should also be taken into account for conferring selection grade scale of pay and special grade scale of pay.

3.The learned Single Judge by placing reliance on G.O.Ms.No.992 dated 22.06.1979, and G.O.Ms.No.333, dated 14.02.1977 allowed the writ petition as prayed for.

4.The learned counsel appearing for the appellant contended that the service put in by the respondent herein in the aided private school cannot be taken into account. But the above contention runs counter to the language found in the said G.O. referred in the order of the learned Single Judge. After, going through the entire text of the aforesaid G.O., the learned Single Judge has arrived at the conclusion that service rendered by the teacher under whatever category of management should be taken into account for conferring selection and special grade scales of pay. The reasons assigned by the learned Single Judge is sound.

5.We find no merit in these writ appeals and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/



To

1. The Director of Elementary Education,
College Road,
Chennai-06.

2. The District Elementary Education Officer,
Virudhunagar District,
Virudhunagar.

3. The Additional Assistant Elementary Education,
Sivakasi,
Virudhunagar District.

+ 1 cc TO Mr.S.Selvakumar , Advocate in SR No. 77808

+ 1 cc TO The Special Government Pleader in SR No. 77962

rmi

AE/SKN RSK/SAR1/06.12.2017/3P/6C

JUDGMENT MADE IN
W.A. (MD) Nos.778 & 779 of 2016
07.09.2017