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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2011

CORAM:

THE HONOURABLE MR.JUSTICE K.N.BASHA

AND

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Appeal (MD) No.1337 of 2011

A.Annammal

... Appellant/Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

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

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

4.The Assistant Elementary Educational Officer,
Thiruvarangulam,
Pudukottai District.

... Respondents/Respondents

Writ Appeal under Clause 15 of Letters Patent against the order of the learned Single Judge, dated 17.09.2010, made in W.P. (MD) No.1834 of 2010.

Petition filed under Article 226 of the Constitution of India prayed that this Hon'ble Court may be pleased to issue a writ of mandamus directing respondents herein to sanction and award forthwith selection grade and Special Grade to the petitioner in the post of primary school Headmaster by reckoning and computing the petitioner's service rendered in the cadres of Secondary Grade Teacher (01.6.74 to 3.7.97) and primary school Headmaster (from 4.7.97 onwards).

For Appellant : Mr.Isaac Mohanlal
For Respondents : Mr.K.Mahendran,
Special Government Pleader.

JUDGMENT

K.N.BASHA & M.VENUGOPAL, JJ

This writ appeal is directed against the order, dated 17.09.2010, passed by the learned Single Judge, dismissing the writ petition filed by the appellant seeking for a direction to the respondents to sanction and award forthwith Selection Grade and Special Grade to the appellant in the post of Primary School Headmaster by reckoning and computing the appellant's service rendered in the cadres of Secondary Grade Teacher (01.06.1974 to



03.07.1997) and Primary School Headmaster (from 04.07.1997 onwards), mainly on the ground of laches.

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2.Mr.K.Mahendran, learned Special Government Pleader, takes notice for all the respondents. By mutual consent of the learned counsel for the parties, the main writ appeal itself is taken up for final hearing at the time of admission itself.

3.Mr.Isaac Mohanlal, learned counsel for the appellant, would submit that in respect of similarly placed persons, a Division Bench of this Court passed orders on 07.07.2011, in W.A.No.815 of 2010, etc. batch, directing the Secretary to Government, School Education Department, to give the benefit of G.O.Ms.No.234, Department of School Education (G2), dated 10th September, 2009 within a time frame and as the case of the appellant is also similar to the appellants in the said batch of writ appeals, she is also entitled for the same relief. He also produced a copy of the order of the Division Bench, dated 07.07.2011.

4.Heard the learned Special Government Pleader, who has taken notice on behalf of the respondents, on the submissions made by the learned counsel for the appellant.

5.We have carefully considered the submissions made by the counsel on either side and perused the materials available on record, including the order of the Division Bench, dated 07.07.2011, made in W.A.No.815/2010, etc. batch.

6.The fact remains that a Division Bench of this Court had already considered a similar matter and passed orders on 07.07.2011 in W.A.No.815 of 2010, etc. batch, directing the Secretary to Government, School Education Department, to give the benefit of G.O.Ms.No.234, Department of School Education (G2), dated 10.09.2009, to the appellants therein who are retired Headmasters. The fact remains that the appellant herein is also a retired Headmaster and a senior citizen and was making representations to the respondents seeking the relief of benefit of G.O.Ms.No.210, School Education (G-1) Department, dated 14.08.2009 as well as G.O.Ms.No.234, Department of School Education (G2), dated 10.09.2009.

7.It is seen that the relief sought for by the appellant is covered by the earlier orders of the Tamil Nadu Administrative Tribunal and the corresponding orders passed in writ petitions, which culminated in passing the Government Orders G.O.Ms.No.210, School Education (G-1) Department and G.O.Ms.No.234, Department of School Education (G2), dated 14.08.2009 and 10.09.2009, respectively. As such, we are of the considered view that the appellant herein is also entitled to the same relief.



8.It is also brought to the notice of this Court that another Division of this Court has also considered similar matters in W.A.(MD) Nos.802 to 809 of 2011 and by order dated 14.09.2011, directed the Principal Secretary to Government, School Education Department, to grant the relief of benefit of G.O.Ms.No.210, School Education (G-1) Department, dated 14.08.2009 and G.O.Ms.No.234, Department of School Education (G2), dated 10.09.2009, to the appellants/retired teachers therein. In view of the above, we are inclined to allow the writ appeal, granting the same relief to the appellant.

9.Accordingly, the writ appeal is allowed and the order of the learned Single Judge is set aside. Consequently, the Secretary to Government, School Education Department, the 1st respondent herein, is directed to extend the benefit of G.O.Ms.No.210, School Education (G-1) Department, dated 14.08.2009 and G.O.Ms.No.234, Department of School Education (G2), dated 10.09.2009, to the appellant. It is made clear that such exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(A.S.)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Secretary,
Department of School Education,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 006.
- 2.The Director of Elementary Education,
College Road, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Pudukottai, Pudukottai District.
- 4.The Assistant Elementary Educational Officer,
Thiruvarangulam, Pudukottai District.

+1cc to Mr.Isaac Mohanlal, Advocate, Sr.No.40514

Judgment IN
W.A. (MD) No.1337 of 2011
Dated:17.11.2011

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SMA/09.01.2012/6C/3P