

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 21.03.2018	Delivered on 28.06.2018
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CORAM:

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Writ Appeal No.74 of 2014
and
M.P.No.1 of 2014

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Fort.St.George, Chennai-9.
 - 2.The Director of Elementary Education,
College Road,
Nungambakkam, Chennai-6.
 - 3.The District Elementary Educational Officer,
Cuddalore District,Cuddalore.
 - 4.The Assistant Elementary Educatinal Officer,
Bhuvanagiri,
Cuddalore District.
 - 5.The Secretary,
R.C.Aided Elementary School,
Bhuvanagiri,
Cuddalore District.
- .. Appellants
- .Vs.
- S.Augustine .. Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 04.09.2012 made in W.P.No.23979 of 2012. Petition filed under Art.226 of constitution of India for the issuance directing the respondents strictly comply with provision of G.O.Ms.No.202 of School Education dated 24.9.2008 and consequently directing the respondents herein to award the Selection Grade/Special grade scale of pay including increments on Elementary School to with effect from 1.6.1988 onwards within the stipulated period prescribed by the order of the Honourable High Court

For Appellants: Mr.K.Karthikeyan
Government Advocate (Education)

For Respondent: No appearance

J U D G M E N T

(Judgment of the Court delivered by P.VELMURUGAN,J)

The case of the respondent is that he was appointed as Secondary Grade Teacher at R.C. aided Elementary School on 21.07.1973 and worked up to 20.08.1981. Subsequently he was promoted as Headmaster at Anniyur at Kannai panchayat Union R.C. Elementary School on 21.08.1981, and he worked there upto 12.03.1985. Thereafter, he was transferred to Vanur Panchayat Union R.C. Elementary School as Secondary Grade Assistant and worked upto 31.01.2010. The appellant was promoted as Secondary Grade Headmaster and posted at Bhuvanagiri Panchayat Union R.C.Elementary School on 24.04.1995, and he worked there upto 31.01.2000 and he was allowed to retire as Secondary Grade Teacher.

2. The Government of Tamil Nadu issued an order in G.O.Ms.No.202, School Education Department, dated 24.09.2008, providing for revised pay structure for the Headmasters who have worked on or before 1.06.1988 in the cadre of Secondary Grade Headmaster. The respondent was promoted as Headmaster and he worked from 21.08.1981 to 12.03.1985. Thereafter, he was transferred to Vanur Panchayat Union R.C.Elementary School as Secondary Grade Assistant and he worked upto 31.01.2010. Therefore, the order in G.O.Ms.No.202 dated 24.09.2008 is applicable to the respondent also. Since the said benefit was not extended to the respondent, he filed the writ petition.

3. The learned single Judge allowed the writ petition. Aggrieved by the said order, the present writ appeal has been filed by the appellants.

4. We have heard the learned Government Advocate for the appellants. None appeared for the respondent.

5. A careful perusal of the records would show that the order in G.O.M.S.No.202, School Education Department, dated 24.09.2009 was issued, taking into account the recommendation given by the pay commissions. There was a variation given in the scale of pay, to those who were working as Secondary Grade Assistants and the Headmasters in the Elementary School. After the order in W.P.No.23979 of 2012 dated 04.09.2012, and the recommendation made by the Director of Education, the Government passed an order in G.O.Ms.No.202, School Education Department, dated 24.09.2009. Second Grade Elementary School teachers who were promoted as Headmasters, and in the transfer subsequently, who were posted only as Secondary Grade Assistant and not as Headmaster for want of vacancy in the post of Head Master, they were also made eligible for the scale of Headmaster of Elementary School.

6. However, the case of the appellant is different. Admittedly, he was appointed as Secondary Grade Teacher at R.C. Aided School. There is no doubt that the scale of pay to all the teachers, those who were working in the Panchayat Union Schools and Government Aided Schools were one and the same. Every union has got its own seniority. However, in the Government Aided Private R.C. School, especially in the minority institutions, separate seniority is not maintained. Therefore, the above said G.O. is not made applicable to Government Aided Minority Private School. This aspect was not taken note of while allowing the Writ Petition.

7. In view of the above discussion, the order passed by the learned Single Judge in W.P.No.23979 of 2012 dated 04.09.2012 is set aside. The Writ Appeal is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

KP/tar

TO

- 1.The Secretary to Government,
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+ 1 cc to Mr. Government Pleader Sr.42330

in W.A.No.74 of 2014

(CS-IV)
EU(10/07/2018)