

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 10.01.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)Nos.19697 to 19699 of 2014****&****WP(MD)Nos.18024 & 18025 of 2015****and****MP(MD)Nos.1, 1 and 1 of 2014 & 1 of 2015**

V.Chockkammal ... Petitioner in WP(MD)No.19697 of 2014

S.Kanagalakshmi ... Petitioner in WP(MD)No.19698 of 2014

M.Vellai Muthan ... Petitioner in WP(MD)No.19699 of 2014

Panchavarnam (wife and legal heir)
W/o.M.Mangalaramu
(deceased) ... Petitioner in WP(MD)No.18024 of 2015

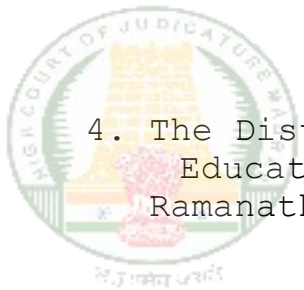
Pushpavalli (wife and legal heir)
W/o.G.Rajendran
(deceased) ... Petitioner in WP(MD)No.18025 of 2015

Vs.

1. The State of Tamil Nadu,
Rep.by The Principal Secretary
to Government,
School Education Department,
Fort. St.George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006. ...1st and 2nd Respondents
in all writ petitions.

- 3.The District Elementary
Educational Officer,
R.M.S.Road,
Madurai 625 002.

...3rd Respondent in
WP(MD)Nos.19697 to 19699 of 2014



4. The District Elementary Educational Officer, Ramanathapuram District.

...3rd Respondent in WP(MD)No.18024 & 18025 of 2015

5. The Additional Assistant Elementary Educational Officer, Madurai West, (At) Anaiyur, Madurai - 625 018.

...4th Respondent in WP(MD)No.19697 of 2014

6. The Assistant Elementary Educational Officer, Thirupparamkundaram(At) Thirunagar, Madurai - 625 006.

...4th Respondent in WP(MD)No.19698 of 2014

7. The Additional Assistant Elementary Educational Officer, Alanganallur - 625 501, Madurai District.

...4th Respondent in WP(MD)No.19699 of 2014

8. The Assistant Elementary Educational Officer, Thiruppulani, Ramanathapuram District.

...4th Respondent in WP(MD)Nos.18024 & 18025 of 2015

Prayer in WP(MD)Nos.19697 to 19699 of 2014 : Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent made in G.O.Ms.No.270, School Education (G.2) Department dated 20.09.2010 and quash the same and direct the respondents to extend to the petitioner the benefit of G.O.Ms.No.234, School Education (G.2) Department dated 10.09.2009 which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP.Nos.29644 and 29645 of 2003 within a stipulated period.

Prayer in WP(MD)No.18024 of 2015 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent made in Roc.No.027943/D3/2013 dated 28.10.2013 and G.O.Ms.No.179, School Education (G.2) Department dated 06.09.2013 issued by the first respondent and quash them and direct the respondents to extend the benefit of G.O.Ms.No.234, School Education (G.2) Department dated 10.09.2009 to the petitioner's husband Late Thiru.M.Mangalaramu which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the

Madras High Court in WP.Nos.29644 and 29645 of 2003 within a stipulated period.

Prayer in WP(MD)No.18025 of 2015 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent made in Roc.No.1774/A1/2014 dated 13.10.2014 and G.O.Ms.No.179, School Education (G.2) Department dated 06.09.2013 issued by the first respondent and quash them and direct the respondents to extend the benefit of G.O.Ms.No.234, School Education (G.2) Department dated 10.09.2009 to the petitioner's husband Late.Thiru.G.Rajednran which was implemented in pursuance of order dated 21.02.2008 of the Division Bench of the Madras High Court in WP.Nos.29644 and 29645 of 2003 within a stipulated period.

For Petitioner
in all cases : Mr.B.Alagarsamy

For Respondents
in all cases : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader

COMMON ORDER

The writ petitioners had joined duty as Secondary Grade Teachers and were promoted as Elementary School Headmasters. They had also retired from service long back. The post of Elementary School Headmaster and Secondary Grade Teacher were in identical time scale of pay till 31.05.1988. Following the recommendations of the Fifth Pay Commission, separate time scales were introduced for the post of Headmaster of Elementary School with effect from 01.06.1988. Those who held the said post of Elementary School Headmaster with effect from 01.06.1988 were given Selection Grade and Special Grade counting the entire length of service rendered as Secondary Grade Teachers as well as Elementary School Headmasters prior to 01.06.1988.

2.The issue is whether the persons are entitled to claim the benefit of Selection Grade and Special Grade in the cadre of Elementary School Headmaster by taking into the service prior to 01.06.1988 as Headmaster and Secondary Grade Teacher. A number of writ petitions were filed and vide G.O.Ms.No.234, School Education (G.2) Department dated 10.09.2009, it was directed that the entire length of service rendered as Secondary Grade Teachers as well as Elementary School Headmasters prior to 01.06.1988 should be counted. Subsequently, writ petitions were filed claiming extension of the said benefit. Relief was granted to the retired teachers.



3.The present writ petitions were filed for directing the respondents to extend the benefit of G.O.Ms.No.234, School Education (G.2) Department dated 10.09.2009. Since the issue is covered by a batch of earlier cases including the one dated 07.07.2011 in WA.Nos.815 of 2010 and etc., batch, this Court is inclined to allow the writ petitions. Accordingly, all the writ petitions are allowed.

4.The respondents are directed to extend the benefit of the order in G.O.Ms.No.234, dated 10.09.2009 to the petitioners herein. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5.These writ petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

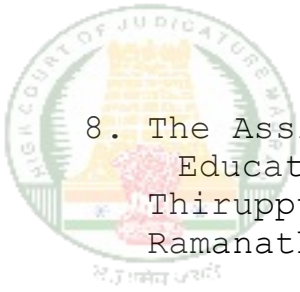
Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
School Education Department,
Fort. St.George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational Officer,
R.M.S.Road, Madurai 625 002.
4. The District Elementary Educational Officer,
Ramanathapuram District.
5. The Additional Assistant Elementary Educational Officer,
Madurai West, (At) Anaiyur, Madurai - 625 018.
6. The Assistant Elementary Educational
Officer, Thirupparamkundram(At) Thirunagar,
Madurai - 625 006.
7. The Additional Assistant Elementary Educational Officer,
Alangudi - 625 501, Madurai District.



8. The Assistant Elementary
Educational Officer,
Thiruppulani,
Ramanathapuram District.

+ 5 ccs TO Mr.B.Alagarsamy , Advocate in SR No. 41614 to 41618
+ 1 cc TO The Special Government Pleader in SR No.42257

skm

AE/KKR/SAR1/27.03.2018/5P/15C

**W.P (MD) Nos.19697 to 19699 of 2014
&**

**WP (MD) Nos.18024 & 18025 of 2015
and**

**MP (MD) Nos.1, 1 and 1 of 2014 & 1 of 2015
10.01.2018**