



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.24123 to 24128 of 2017

RM.SUNDARRAJAN	... Petitioner in WP(MD). 24123/ 2017
S.MEENAL	... Petitioner in WP(MD). 24124/ 2017
S.SETHU	... Petitioner in WP(MD). 24125/ 2017
A.PREMALATHA	... Petitioner in WP(MD). 24126/ 2017
R.KANNAN	... Petitioner in WP(MD). 24127/ 2017
S.VALLIAMMAL	... Petitioner in WP(MD). 24128/ 2017

Vs.

1.State of Tamil Nadu, represented by its
Secretary to the Government,
School Education Department,
Fort St. George, Chennai-9.

2.The Director of Elementary Educational Officer,
Chennai.

3.The District Elementary Educational Officer,
Sivagangai District.

4.The Assistant Elementary Educational Officer,
Kalayarkovil,
Sivagangai District.

.. Respondents in all WPs

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.No.3460/A5/2012, dated 23.08.2017 and quash the same and direct the respondents to fix the scale of pay to the petitioner as per G.O.Ms.No.234, dated 10.09.2009 counting entire length of service in the cadre of Elementary School Head Master for selection grade and special grade will all consequential monetary benefits.



For petitioner : Mr.V.Panneer Selvam
For respondents : Mr.J.Gunaseelan Muhthiah
Additional Government Pleader
(in all the Writ Petitions)

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COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

2.The petitioners herein in all these writ petitions sought extension of the benefits conferred on similarly placed individuals vide G.O.(Ms).No.234, School Education Department, dated 10.09.2009. This Court by order dated 25.09.2013, directed the authority to consider the representations of the writ petitioners for revision of their pay as per aforesaid Government order. The decision has to be taken in the light of the orders passed in similar cases. But the authority did not pass any order as mandated and within the time stipulated by this Court.

3. Therefore the writ petitioners herein filed Contempt proceedings. When the Contempt Petition was taken up, the learned Additional Government Pleader appearing for the respondents produced a copy of the proceedings dated 18.11.2014 passed by the fourth respondent. In the said proceedings, it was clearly mentioned that the writ petitioners are eligible to be conferred the same benefit as conferred by the said G.O.(Ms).No.234, dated 10.09.2009. But such conferment was given only on paper. The actual benefits were not passed on. When, the writ petitioners issued notice, the impugned orders of rejection came to be passed. Hence, these Writ petitions.

4.It is evident on the very face of it that while passing impugned order, the third respondent herein did not take note of the proceedings that took place before this Court in Contempt Petition No.1376 of 2014. In particular the earlier proceedings dated 18.11.2014 issued by the Assistant Educational Officer of the Kallaiyarkovil was totally lost sight of. It cannot be disputed that the writ petitioners are entitled to the benefits conferred by the said Government Order. The authority, who passed the order is present in person before this Court and he would also admit that the impugned proceedings were wrongly issued.

5.Taking note of the said submission, this Court quashes the impugned order dated 23.08.2017 and directs the respondents to fix the scale of pay of the writ petitioners as per G.O.(Ms).No.234, 10.09.2009, by counting the entire length of service in the cadre of Elementary School Headmaster for conferment of selection grade and special grade and disburse all the consequential benefits within a period of eight weeks from the date of a copy of this order.



6. These Writ petitions are allowed as prayed for. No costs.

Sd/-

Assistant Registrar (CS-II)

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/True Copy/

Sub Assistant Registrar

To:

1.The Secretary to the Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-9.

2.The Director of Elementary Educational Officer,
Chennai.

3.The District Elementary Educational Officer,
Sivagangai District.

4.The Assistant Elementary Educational Officer,
Kalayarkovil, Sivagangai District.

+6ccs to M/S.V.Panneer Selvam, Advocate SR.No. 44192 to 44194,
44198 to 44200

+1cc to Special Government Pleader, SR.No. 44343 to 44348

ORDER MADE IN
W.P. (MD) Nos.24123 to 24128 of 2017
23.01.2018

kmi

JM/KK/SAR 3/26.04.2018/3P/12C