



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18518 of 2013

S.Gandhi

... Petitioner

-vs-

1. The Principal Secretary to Government,
School Education(G2) Department,
Chennai.
2. The Director of Elementary Education,
College Road, Chennai.
3. The District Elementary Education Officer,
Collectorate, Karur District,
Karur.
4. The Assistant Elementary Education Officer,
Krishnarayapuram,
Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to extend the benefits of G.O.Ms.No.234 Education (G2) Department, dated 10.09.2009 and to count the service rendered by the Petitioner prior to 1.6.1988 as Secondary Grade Teacher for the purpose of fixation and grant of Selection and Special Grade Scale of Pay in the post of Primary School Headmaster with all consequential benefits including payment of arrears of pay and allowances and re-fixation of pension and payment of arrears as applicable to the Petitioner.

For Petitioner : M/s.B.Saravanan
For Respondents : Mr.M.Muthu
Addl. Government Pleader

O R D E R

The relief sought for in this Writ Petition is for a direction to extend the benefit of G.O.Ms.No.234, Education(G2) Department, dated 10.09.2009.

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2.The subject-matter in this Writ Petition was decided both

by the Honourable Full Bench and Honourable Division Bench of this Court and the Honourable Division Bench in W.A(MD)Nos.354 to 358 of 2016 passed orders on 11.8.2017, as under:

''3.The issue involved in these Writ Appeals is no longer res-integra. The Full Bench decision rendered in (2017) 2 MLJ 257(FB) - The Government of Tamil Nadu, represented by the Secretary, School Education Department, Fort St.George, Chennai and others .vs. G.Eswaran and others, has already ruled against the Government and in favour of the retired employees. Since the issue raised in these Writ appeals is covered by the said Full Bench Judgement, we have to necessarily dismiss the Writ Appeals.

4.Accordingly, these Writ Appeals stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.''

3.In view of the above judgment, the case of the Writ Petitioner is to be considered and the respondents are directed to consider the case of the Writ Petitioner in the light of the Full Bench Judgement cited above.

4.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
School Education(G2) Department,
Chennai.
2. The Director of Elementary Education,
College Road, Chennai.
3. The District Elementary Education Officer,
Collectorate, Karur District, Karur.
4. The Assistant Elementary Education Officer,
Krishnarayapuram,
Karur District.

+ 1 CC TO Mr.B.SARAVANAN, ADVOCATE IN SR No. 52380

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 52904

VSN

TE/KKB/SAR-1 : 21/03/2018 : 2P/7C
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