



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM

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

WEB COPY

W.P. (MD) Nos.19902 and 19903 of 2013

1.A.Ramanathan ... Petitioner in W.P(MD)No.19902 of 2013
2.N.Nagoor Gani ... Petitioner in W.P(MD)No.19903 of 2013

-vs-

1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai- 600 006.

2.The Director of Elementary Education,
College Road, Chennai.

3.The District Elementary Education Officer,
Pudukkottai, Pudukkottai District.

4.The Assistant Elementary Educational Officer,
Aranthangi,
Pudukkottai District.

... Respondents

Prayer in W.P(MD)No.19902 of 2013: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 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(20.10.1978 to 02.07.1990) and Primary School Headmaster(from 03.07.1990 onwards).

Prayer in W.P(MD)No.19903 of 2013: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 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(1.6.1974 to 20.7.1986) and Primary School Headmaster(from 21.7.1986 onwards).

For Petitioner : M/s.S.Xavier Rajini
in both W.Ps'

For Respondents : M/s. V.P.M.Vaishnavi
in both W.Ps' Government Advocate

COMMON ORDER

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

2.The subject-matter in these Writ Petitions 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 Petitioners are to be considered and the respondents are directed to consider the case of the Writ Petitioners in the light of the Full Bench Judgement cited above.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary, Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai- 600 006.
 - 2.The Director of Elementary Education, College Road, Chennai.
 - 3.The District Elementary Education Officer,
Pudukkottai, Pudukkottai District.
 - 4.The Assistant Elementary Educational Officer,
Aranthangi, Pudukkottai District.
- +2ccs to M/s.Xavier Rajini, Advocate, SR.Nos.52674 and 52670
+One cc to The Special Government Pleader, SR.No.52905
vsn