



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.6152 of 2013
and
M.P.(MD)No.1 of 2013

P.David Xavier

... Petitioner

Vs.

1.The state of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
For St. George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceeding issued by the 2nd respondent director of Elementary Education vide Na.Ka.No.018131/E1/2012 dated 28.07.2012, and quash the same and further direct the respondents herein to sanction and award forthwith the selection Grade of Pay in the cadre of Middle School Headmaster w.e.f. 01.07.1996 and Special Grade scale of pay in the cadre Middle School Headmaster from 30.11.2001 (date of completion of 20 years service) on par with the similarly placed persons for whom such benefits have been sanctioned under G.o.Ms.No.210 (School Education (G-1) Department) dated 14.08.2009.

For Petitioner : Mr.T.Cibi Chakraborty
for M/s.ISSAC CHAMBERS

For Respondents : Mr.V.P.M.Vaishnavi
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to call for the records relating to the impugned proceeding issued by the 2nd respondent director of Elementary Education vide Na.Ka.No.018131/E1/2012 dated 28.07.2012, and quash the same and further direct the respondents herein to sanction and award forthwith the selection Grade of Pay in the cadre of Middle School Headmaster w.e.f. 01.07.1996 and Special Grade scale of pay in the cadre Middle School Headmaster from 30.11.2001 (date of completion



of 20 years service) on par with the similarly placed persons for whom such benefits have been sanctioned under G.O.Ms.No.210 (School Education (G-1) Department) dated 14.08.2009.

2. The learned counsel for the petitioner brought to the notice of this Court that the Full Bench of the Madras High Court passed an order covering the issues involved in this present writ petition, in the case of Government of Tamil Nadu v. G.Eswaran and others reported in (2017) 2 MLJ 257 (FB).

3. The learned Government Advocate appearing for the respondents made a submission that the writ petitioner was employed in a private aided school and not entitled for the benefit of the Government Order discussed in the above judgment. However, these issues are to be considered independently by the respondents with reference to the Government Orders and the judgments in this regard. Accordingly, the second respondent is directed to consider the representations submitted by the writ petitioner on 29.03.2000 and 22.10.2010 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

4. The writ petitioner is directed to enclose the copy of the representations and the Government Orders along with the order passed in this writ petition. Accordingly, this writ petition stands disposed of. No costs. Consequently, M.P.(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Department of School Education,
For St. George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 006.

+1CC TO M/S.ISSAC CHAMBERS, ADVOCATE, SR NO.55024
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55123

W.P. (MD)No.6152 of 2013
12.03.2018

ta