

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****WEB COPY****W.P.(MD) Nos.18414, 18415, 18416, 18417, 18418, 18419, 18420 and 18421 of 2013****WP(MD)NO.18414 OF 2013**

A.X.V.Arockiya Mary

... Petitioner

- Vs. -

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St, George, Chennai. 600 009
2. The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.
4. The Additional Elementary Educational Officer,
S. Pudhur, Sivagangai District. ... Respondent

Prayer in WP(MD). 18414/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 (20.4.1982 to 16.7.1998) and Primary School Headmaster (from 17.7.1998 onwards).

For Petitioner: M/S. XAVIER RAJINI

for M/S.Isaac Mohanlal

For Respondents : MRS. S. SRIMATHI,

SPECIAL GOVERNMENT PLEADER

WP(MD)NO.18415 OF 2013

S. Joseph Johnson Sebastian

... Petitioner



- Vs. -

WEB COPY

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St, George, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Sivagangai District.
4. The Additional Elementary Educational Officer,
S. Pudhur, Sivagangai District.

... Respondents

Prayer in WP(MD). 18415/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents ehrein 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 ptitioner s service rendered in the cadres of Secondary Grade Teacher (26.08.1986 to 01.02.1995) and Primary School Headmaster (from 02.02.1995 onwards).

For Petitioner: M/S. XAVIER RAJINI
for M/S.Isaac Mohanlal

For Respondents : MRS. S. SRIMATHI,
SPECIAL GOVERNMENT PLEADER

WP(MD)No.18416 OF 2013

A. Maria Pushpam ... Petitioner

- Vs. -

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St, George, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Chennai 600 006.



3. The District Elementary Educational Officer,
Virudhunagar, Virudhunagar District.

4. The Additional Elementary Educational Officer,
Aruppukottai, Virudhunagar District. ... Respondents

Prayer in WP(MD). 18416/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents ehrein 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 ptitioner s service rendered in the cadres of Secondary Grade Teacher (01.01.1971 to 29.6.1999) and Primary School Headmaster (from 30.6.1999 onwards).

For Petitioner: M/S. XAVIER RAJINI
for M/S.Isaac Mohanlal

For Respondents : MRS. S. SRIMATHI,
SPECIAL GOVERNMENT PLEADER

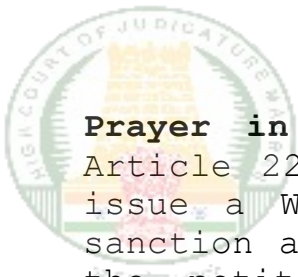
WP(MD)No.18417 OF 2013

M. Muthukannu ... Petitioner

- Vs. -

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St, George, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Karur District.
4. The Additional Elementary Educational Officer,
Kulithalayai Karur District
5. The Correspondent,
Nadesan Aided Primary School, Mattu Marudhur,
Karur District

... Respondents



Prayer in WP(MD). 18417/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 (01.01.1971 to 31.05.1999) and Primary School Headmaster (from 01.06.1999 onwards).

For Petitioner: M/S. XAVIER RAJINI

for M/S.Isaac Mohanlal

For Respondents : MRS. S. SRIMATHI,

SPECIAL GOVERNMENT PLEADER
FOR RR1 TO 4

Respondent 5: Not Appearance

WP(MD)No.18418 OF 2013

K. Muthuraj

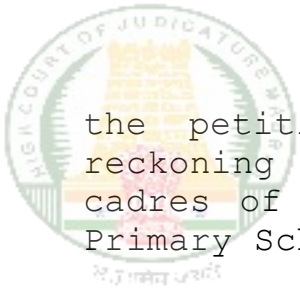
... Petitioner

- Vs. -

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St, George, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Virudhunagar, Virudhunagar District.
4. The Additional Elementary Educational Officer,
Aruppukottai, Virudhunagar District.
5. The Correspondent
S.V.V. Sala Primary School, Kulloorsanthai,
Virudhunagar District.

... Respondent(s) in WP(MD). 18418/ 2013

Prayer in WP(MD). 18418/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 (01.08.1980 to 01.06.1997) and Primary School Headmaster (from 02.06.1997 onwards).

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For Petitioner: M/S. XAVIER RAJINI
for M/S. Isaac Mohanlal

For Respondents : MRS. S. SRIMATHI,
SPECIAL GOVERNMENT PLEADER
FOR RR1 TO 4
Respondent 5: Not Appearance

WP(MD)No.18419 OF 2013

N. Pappa ... Petitioner

- Vs. -

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St, George, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Chennai.
3. The District Elementary Educational Officer,
Karur District.
4. The Additional Elementary Educational Officer,
Kulithalayai Karur District
5. The Correspondent,
Thanam Aided Primary School,
Valayapatti, Karur District. ... Respondents

Prayer in WP(MD). 18419/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 (01.09.1971 to 31.05.1994) and Primary School Headmaster (from 01.06.1994 onwards).



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For Petitioner: M/S. XAVIER RAJINI
for M/S.Isaac Mohanlal

For Respondents : MRS. S. SRIMATHI,

SPECIAL GOVERNMENT PLEADER
FOR RR1 TO 4

Respondent 5: Not Appearance

WP(MD)No.18420 OF 2013

R.Poongothai

... Petitioner

- Vs. -

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St, George, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Karur, Karur District.
4. The Additional Elementary Educational Officer,
Krishnarayapuram, Karur District.
5. The Correspondent
Balu Aided Primary School,
Echampatti Sivayam Taluk, Karur District.

... Respondents

Prayer in WP(MD). 18420/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents ehrein 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 ptitioner s service rendered in the cadres of Secondary Grade Teacher (16.9.1976 to 31.05.2004) and Primary School Headmaster (from 01.06.2004 onwards).



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For Respondents : MRS. S. SRIMATHI,

SPECIAL GOVERNMENT PLEADER
FOR RR1 TO 4

Respondent 5: Not Appearance

WP(MD)No.18421 OF 2013

G. Thayammal

... Petitioner

- Vs. -

1. The State of Tamil Nadu
Rep. by its Secretary, Department of School Education,
Fort St, George, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Tuticorin District.
4. The Additional Elementary Educational Officer,
Kayathar, Tuticorin District. ... Respondents

Prayer in WP(MD). 18421/ 2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 05.03.1980 to 04.09.1995) and Primary School Headmaster (from 05.09.1995 to 31.05.2005).

For Petitioner: M/S. XAVIER RAJINI
for M/S.Isaac Mohanlal

For Respondents : MRS. S. SRIMATHI,

SPECIAL GOVERNMENT PLEADER
FOR RR1 TO 4



C O M M O N O R D E R

The relief sought for in the present writ petitions is for a direction to the respondents to sanction and award forthwith Selection Grade and Special Grade to the petitioners in the post of Primary School Headmaster by reckoning and computing the petitioners service rendered in the cadres of Secondary Grade Teacher and Primary School Headmaster, respectively.

2. The issues in relation to the extension of benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to the similarly placed persons, were considered by the Honourable Division Bench of this Court in Rev.Aplc.(MD) Nos.56 to 60 of 2019 and an order was passed on 31.01.2019. The relevant paragraphs of the said order are extracted hereunder:

*"2.The Writ Appeals were dismissed by us on 11.08.2017 on the ground that the Full Bench of this Court in the decision reported in **2017 (2) MLJ 257 (FB) - the Government of Tamil Nadu, represented by the Secretary, School Education Department, Fort. St. George, Chennai - 9 and others Vs. G.Eswaran and others**, had already ruled against the Government and in favour of the retired employees. Contending that the said direction has not been complied with, the writ petitioners filed CONT.P[MD]Nos.2007 to 2009 of 2018. Seeking review of the order dismissing the Writ Appeals, the Government has filed review petitions on the ground that even though the Full Bench decision went against the Government, the direction issued by the Full Bench ought to have been incorporated while dismissing the Writ Appeals.*

3.The learned Special Government Pleader is right in her submission that even while ruling in favour of the retired employees, the Full Bench issued a direction for implementing the monetary benefits only with effect from 01.03.2017 onwards. Since this aspect of the matter was not taken note of, the order dated 11.08.2017 in the aforesaid Writ Appeals stands set aside. Accordingly, the Writ Appeals are disposed of, with the following directions:



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[Ms.]No.234, School Education Department dated 10.09.2009, in respect of the respondents / writ petitioners herein on and from 01.03.2017 onwards. Consequently, the Government shall compute and revise their pension based on the revised scales of pay in terms of the aforesaid G.O. and this shall be payable on and from 01.03.2017.

2) It is made clear that the beneficiaries under the order are not entitled to the arrears of revised pay scales.

3) The Government is directed to expedite the process of computing and fixing the revised pension and disburse the benefits as expeditiously as possible without further delay.

4. In the result, the Review Applications are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

3. This being the factum, the respondents are directed to extend the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to all these writ petitioners, with reference to the orders of the Honourable Division Bench (cited supra), as expeditiously as possible. However, it is made clear that the respondents shall verify the service records and ascertain the eligibility of these writ petitioners and accordingly, extend the the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to them. Accordingly, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

sjj

To:

<https://hservices.hc.madras.gov.in/> The Secretary to The State of Tamil Nadu

Department of School Education,



Fort St, George, Chennai. 600 009

2. The Director of Elementary Education,
College Road, Chennai 600 006.
3. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.
4. The Additional Elementary Educational Officer,
S. Pudhur, Sivagangai District
5. The District Elementary Educational Officer,
Virudhunagar, Virudhunagar District.
6. The Additional Elementary Educational Officer,
Aruppukottai, Virudhunagar District.
7. The District Elementary Educational Officer,
Karur District.
8. The Additional Elementary Educational Officer,
Kulithalayai Karur District
9. The Additional Elementary Educational Officer,
Krishnarayapuram, Karur District.
10. The District Elementary Educational Officer,
Tuticorin District.
11. The Additional Elementary Educational Officer,
Kayathar, Tuticorin District.
12. The Correspondent,
Nadesan Aided Primary School, Mattu Marudhur,
Karur District
13. The Correspondent
S.V.V. Sala Primary School, Kulloorsanthai,
Virudhunagar District.
14. The Correspondent,
Thanam Aided Primary School,
Valayapatti, Karur District.



15.The Correspondent

Balu Aided Primary School,

Echampatti Sivayam Taluk, Karur District.

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2CC TO MR. ISAAC MOHANLAL, Senior Advocate SR No. 77827

1CC TO THE SPL GOVT PLEADER SR No. 77927

W.P. (MD) Nos.18414, 18415, 18416,
18417, 18418, 18419, 18420
and 18421 of 2013

25.07.2019

AM/SAR/09.08.2019/ 11P 19C