



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Twenty Seventh day of January Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH
and

The Hon`ble Mrs.Justice R.THARANI

REV.APLC(MD) No.236 to 241 of 2019
IN

CMP(MD) Nos.10450,10474,10476 & 10477 of 2019

1 THE GOVERNMENT OF TAMIL NADU,
REP.BY ITS SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE,
CHENNAI-9.

2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-600 006.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN DISTRICT.

4 ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUCHENDUR UNION,
TUTICORIN DISTRICT.

... PETITIONERS/ APPELLANTS
in REV.APLC(MD) No.236,237,238,240 & 241 of 2019

1 THE GOVERNMENT OF TAMIL NADU,
REP.BY ITS SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE,
CHENNAI-9.

2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-600 006.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN DISTRICT.

4 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
UDANGUDI UNION, TUTICORIN DISTRICT. ... PETITIONERS/ APPELLANTS
in REV.APLC(MD) No.239 of 2019



Vs

1 R.VIJAYALAKSHMI

2 THE CORRESPONDENT,
HINDU PRIMARY SCHOOL,
PEYANVILAI,
THIRUCHENDUR TALUK,
TUTICORIN DISTRICT.

... RESPONDENTS/ RESPONDENTS
in REV.APLC (MD) No.236 of 2019

1 M.SARASWATHI

2 THE SECRETARY
S.V.C.PRIMARY SCHOOL PUDUR, ARUMUGANERI POST
TIRUCHENDUR TALUK
TUTICORIN DISTRICT....

RESPONDENTS/ RESPONDENTS
in REV.APLC (MD) No.237 of 2019

1 S.STELLA SURIABAI

2 THE CORRESPONDENT
TNDTA MIDDLE SCHOOL
RAJAMANYAPURAM
ARUMUGANERI
TUTICORIN DISTRICT. ...

RESPONDENTS/ RESPONDENTS
in REV.APLC (MD) No.238 of 2019

1 D.JEBATHANGAM

2 THE CORRESPONDENT
TNDTA E.T.GIRLS PRIMARY SCHOOL
MEGNANAPURAM
TUTICORIN DISTRICT.

... RESPONDENTS/ RESPONDENTS
in REV.APLC (MD) No.239 of 2019

1 V.VIVEKANANDAN

2 THE SECRETARY
DRAVIAM PRIMARY SCHOOL
PILLAVIALAI
ARUMUGANERI
TIRUCHENDUR TALUK
TUTICORIN DISTRICT. ...

RESPONDENTS/ RESPONDENTS
in REV.APLC (MD) No.240 of 2019

1 M.MARIAMBEEVI

2 THE CORRESPONDENT
ZUBAIDA PRIMARY SCHOOL, KAYALPATNAM
TIRUCHENDUR TALUK
TUTICORIN DISTRICT. ...

RESPONDENTS/ RESPONDENTS
in REV.APLC (MD) No.241 of 2019



Prayer in REV.APLC(MD). 236/ 2019 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to review the order dated 19.03.2018 made in W.A.No.1377 of 2014.

Prayer in WA(MD). 1377/ 2014 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 25.03.2014 in W.P.No.1647 of 2014

Prayer in WP(MD). 1647/ 2014 :

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 ((26.02.1983 to 09.02.2003) and Primary School Headmaster (from 10.02.2003 onwards).

Prayer in REV.APLC(MD). 237/ 2019 :

To review the order dated 19.03.2018 made in W.A.No.1378 of 2014.

Prayer in WA(MD). 1378/ 2014 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 25.03.2014 in W.P.No.1648 of 2014

Prayer in WP(MD). 1648/ 2014 :

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 (01.04.1985 to 31.05.1996) and Primary School Headmaster (from 01.06.1996 onwards)

Prayer in REV.APLC(MD). 238/ 2019 :

To review the order dated 19.03.2018 made in W.A.No.1379 of 2014.

Prayer in WA(MD). 1379/ 2014 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 25.03.2014 in W.P.No.1649 of 2014

Prayer in WP(MD). 1649/ 2014 :

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 (15.10.1973 to 31.08.1995) and Primary School Headmaster (from 01.09.1995 to 16.02.2006).

Prayer in REV.APLC (MD) . 239/ 2019 :

To review the order dated 19.03.2018 made in W.A.No.1374 of 2014.

Prayer in WA (MD) . 1374/ 2014 :

Writ Appeal filed under Clause 15 of the Letters Patent Act
against the order dated 25.03.2014 in W.P.No.1644 of 2014

Prayer in WP (MD) . 1644/ 2014 :

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 (08.12.1964 to 31.05.1997) and Primary School Headmaster (from 01.06.1997 onwards).

Prayer in REV.APLC (MD) . 240/ 2019 :

To review the order dated 19.03.2018 made in W.A.No.1375 of 2014.

Prayer in WA (MD) . 1375/ 2014 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 25.03.2014 in W.P.No.1645 of 2014

Prayer in WP (MD) . 1645/ 2014 :

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 (27.05.1958 to 31.05.1991) and Primary School Headmaster (from 01.06.1991) onwards.

Prayer in REV.APLC (MD) . 241/ 2019 :

To review the order dated 19.03.2018 made in W.A.No.1376 of 2014.

Prayer in WA (MD) . 1376/ 2014 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 25.03.2014 in W.P.No.1646 of 2014

Prayer in WP (MD) . 1646/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 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 (08.09.1976 to 31.12.2006) and Primary School Headmaster (from 01.01.2007 onwards).

Prayer in CMP(MD). 10450/ 2019 in REV.APLC(MD). 236/ 2019 :

To suspend the operation of the order dated 19.03.2018 passed in W.A.(MD)No.1377 of 2014 in filing the above Rev.Aplc(MD)No.236 of 2019.

Prayer in CMP(MD). 10474/ 2019 in REV.APLC(MD). 239/ 2019 :

To suspend the operation of the order dated 19.03.2018 passed in WA(MD)No.1374 of 2014 in filing the above Review Application.

Prayer in CMP(MD). 10476/ 2019 in REV.APLC(MD). 240/ 2019 :

To suspend the operation of the order dated 19.03.2018 passed in WA(MD) No.1375 of 2014 in filing the above Review Application.

Prayer in CMP(MD). 10477/ 2019 in REV.APLC(MD). 241/ 2019 :

To suspend the operation of the order dated 19.03.2018 passed in WA(MD)No.1376 of 2014 in filing the above Review Application.

ORDER:These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.A.K.MANIKKAM, Special Government Pleader for the petitioner in all the petitions, the court made the following order:-

After some amount of hearing, both the learned counsel would plead for some time as they are not in possession of the papers.

2.Let the Registry supply a copy of one of the court sets to be copied by the parties at their cost.

3.That apart, the issue in brief is that the petitioners have retired as Headmasters of Aided Schools and seek the benefit of G.O. (Ms).No.234. The decision relied upon by this Bench, of which review is sought, has proceeded on the basis of the decision of the Full Bench in the case of the Secretary and others vs. G.Eswaran and others (2007(2)MLJ 257) (FB) that interprets G.O.(Ms).No.216.

4.Let all connected and applicable Government Orders be produced. A final Opportunity is granted to the parties to prepare and present the matter.

5.List on 01.02.2022 at 2.15 p.m.

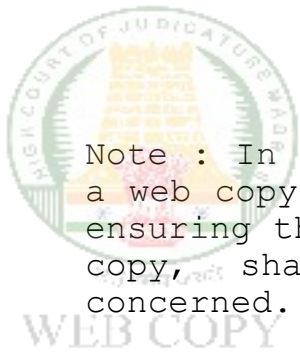
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27/01/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
SCHOOL EDUCATION DEPARTMENT,
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- 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
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THIRUCHENDUR UNION,
TUTICORIN DISTRICT.
- 5 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
UDANGUDI UNION, TUTICORIN DISTRICT.

ORDER

IN

REV.APLC (MD) No.236 to 241
of 2019

IN

CMP (MD) Nos.10450,10474,10476 &
10477 of 2019

Date :27/01/2022

AKV

MK/JM/SAR.II/31.01.2022/5P/6C