



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.15455 of 2014

WEB COPY

K.Murugesan

... Petitioner

-Vs-

1.The Principal Secretary to Government,
School Education (G1) Department,
Chennai.

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

3.The District Elementary Education Officer,
Collectorate, Karur District, Karur.

4.The Assistant / Additional Elementary
Education Officer,
Municipal Complex, Asath Salai,
Karur-639 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in her proceedings Lr.No.7293/Ne.Va.2(2)/2014 dated 05.08.2014 and quash the same and consequently, directing the respondents to extend the benefits of the Government orders in G.O.Ms.No.210, dated 14.08.2009 and G.O.Ms.No.190, dated 12.07.2010 in favour of the petitioner and further directing the respondents to count the service rendered by the petitioner before 01.06.1988 as Secondary Grade Teacher and Elementary School Headmaster for the purpose of fixation of Selection Grade / Special Grade scale of pay in the post of Middle School Graduate Headmaster and further to grant arrears of pay to the petitioner.

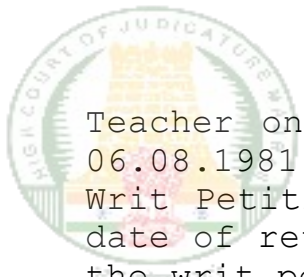
For Petitioner : Mr.B.Saravanan

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The order of rejection dated 05.08.2014, rejecting the claim of the writ petitioner for extension of the benefit granted in G.O.Ms.No.210, dated 14.08.2009, is under challenge in the present Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The writ petitioner was appointed as Secondary Grade



Teacher on 01.07.1973 and he was promoted as B.T., Headmaster on 06.08.1981 and retired from service on 30.04.2004. The present Writ Petition itself was filed after a lapse of 10 years from the date of retirement and at the time of filing of the Writ Petition, the writ petitioner was aged about 68 years.

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3.The learned counsel appearing on behalf of the writ petitioner states that the Government Order issued in G.O.Ms.No.210, dated 14.08.2009 is to be extended to all the teachers for the purpose of counting the period of service rendered in the post of Secondary Grade Teacher prior to 01.06.1988.

4.The issue regarding the extension of the benefit of G.O.Ms.No.210, was already settled. A teacher, who was promoted as Elementary School Headmaster prior to 01.06.1988 alone is eligible to avail the benefit of selection grade and special grade by counting the services rendered in the post of Secondary Grade Teacher prior to 01.06.1988. The posts of Elementary School Headmaster and Secondary Grade Teacher were interchangeable and were carried same scale of pay. Under those circumstances, 63 teachers filed Original Applications before the Tamil Nadu Administrative Tribunal and G.O.Ms.No.210, was issued only in respect of those 63 persons, who approached the Court within a time limit. Thus, the said Government Order cannot be a precedent for the purpose of filing many such Writ Petitions, after a lapse of many years. In such an event, the Courts have to pass orders by stating that all such Writ Petitions filed belatedly, cannot be entertained. The Government employee cannot wait for the result of one Writ Petition and after a lapse of so many years, if that Writ Petition is allowed, thereafter, they are filing Writ Petition for claiming the same benefit. Such an attitude of the employees cannot be encouraged. The person aggrieved must approach the Court of law within a reasonable period of time. In the present case, the writ petitioner was allowed to retire from service in the year 2004 and the Writ Petition itself was filed during the year 2014.

5.Even on merits, the benefits can be extended in respect of the teachers, who was promoted as Elementary School Headmaster prior to 01.06.1988. In the present case, the writ petitioner was promoted as Elementary School Headmaster only during the year 1991, i.e., after the cut off date. Thus, the writ petitioner is not entitled to claim benefit of G.O.Ms.No.210 for the purpose of granting special grade and selection grade by counting the period of service rendered as Secondary Grade Teacher prior to 01.06.1988.

6.In this view of the matter, the reasons stated in the



impugned order are in consonance with the legal principles as well as the Government Orders issued in this regard.

7. Accordingly, this Writ Petition stands dismissed. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
School Education (G1) Department,
Chennai.

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

3. The District Elementary Education Officer,
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+1 CC to M/s.B. SARAVANAN, Advocate(SR-82664[F] dated
21/08/2019)

myr

W.P. (MD) No. 15455 of 2014
20.08.2019

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