



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).Nos.2490 & 2491 of 2014

and M.P.(MD).No.1 of 2014

WEB COPY

P.Pemmulu	.. Petitioner in W.P.(MD).No.2490/2014
R.Paulraj	.. Petitioner in W.P.(MD).No.2491/2014

Vs.

1.The State of Tamil Nadu
represented by its
Principal Secretary to Government,
School Education Department,
Secretariat, Chennai.

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

3.The District Educational Officer,
Dindigul District, Dindigul.

.. Respondents in both petitions

Prayer in W.P.(MD).No.2490 of 2014: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent pertaining to the orders, dated 21.06.2011, in its proceedings in Na.Ka.No.2963/A4/2010 dt.21.06.2011 and quash the same and direct the respondents to extent the benefits of the orders, dated 21.04.2008 of the Division Bench of this Court of judicature at Madras in W.A.No.233/2008 which was implemented by the Government in G.O.Ms.No.210, School Education Department, dated 14.08.2009 and in G.O.Ms.No.190, Education Department, dated 12.07.2010 and G.O.Ms.No.230, Education Department, dated 10.08.2010 to the petitioner within a stipulated period.

Prayer in W.P.(MD).No.2491 of 2014: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent pertaining to the orders, dated 16.06.2011, in its proceedings in O.Mu.No.2071/A4/2010 and quash the same and direct the respondents to extent the benefits of the orders, dated 21.04.2008 of the Division Bench of this Court of judicature at Madras in W.A.No.233/2008 which was implemented by the Government in G.O.Ms.No.210, School Education Department, dated 14.08.2009 and in G.O.Ms.No.190, Education Department, dated 12.07.2010 and G.O.Ms.No.230, Education Department, dated 10.08.2010 to the petitioner within a stipulated period.



For Petitioner : M/s.S.Devasena
For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader
(In both petitions)

COMMON ORDER

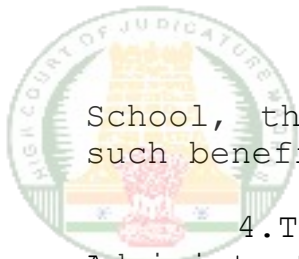
These Writ Petitions have been filed for issuance of Writ of Certiorarified Mandamus to quash the orders passed by the third respondent dated 21.06.2011 and 16.06.2011 and further to direct the respondents to extend the benefits of the orders dated 21.04.2008 of the Division Bench of this Court in W.A.(MD)No.233 of 2008 which was implemented by the Government vide G.O.No.210, School Education Department, dated 14.08.2009.

W.P. (MD)No.2490 of 2014

2.The petitioner was appointed as Secondary Grade Teacher on 03.08.1964. He was promoted as Headmaster of the Elementary School on 08.01.1982. He also acquired higher qualification of M.A., and B.Ed. Considering his qualification, the petitioner was also promoted as Headmaster of Middle School. On 08.10.1996, the petitioner was promoted as Educational Officer for Elementary Schools. The petitioner retired from service on 30.06.2002 on attaining the age of superannuation. The petitioner states that he was promoted as Headmaster of Elementary School and then as Headmaster of Middle School before 1988 is entitled to Selection Grade and Special Grade in the revised scale after 01.06.1988 by computing the period of service rendered as Secondary Grade Teacher as well as Primary School Headmaster prior to 01.06.1988. This benefit was conferred vide G.O.(Ms) No.1381, Education Department, dated 05.10.1990. Though the Government specifically clarified that service rendered by the Headmaster, Secondary Grade and Selection Grade and Special Grade prior to 01.06.1988 may be reckoned for the purpose of awarding Selection Grade/Special Grade in the revised scale of pay of Headmaster (B.T. Grade), Middle School, the grievance of the petitioner is that he was not given such benefit. The petitioner relied upon G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009 whereby based on orders of State Administrative Tribunal, the benefit was given to 65 persons who are similarly placed.

W.P. (MD)No.2491 of 2014

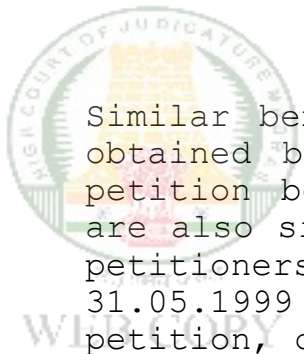
3.The petitioner was appointed as Headmaster of Elementary School on 04.09.1964. He also acquired higher qualification of B.A., B.Ed. Considering his qualification, the petitioner was also promoted as Headmaster of Middle School on 02.01.1986. The petitioner retired from service on 31.05.1999 on attaining the age of superannuation. Though the Government specifically clarified that service rendered by the Headmaster, Secondary Grade and Selection Grade and Special Grade prior to 01.06.1988 may be reckoned for the purpose of awarding Selection Grade/Special Grade in the revised scale of pay of Headmaster (B.T. Grade), Middle



School, the grievance of the petitioner is that he was not given such benefit.

4.The original applications filed before the Tamil Nadu Administrative Tribunal by several persons who have similar grievance were allowed and based on the orders of State Administrative Tribunal, it is stated that Government have implemented the order in individual cases by G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009 in respect of several individuals who had served as Middle School Headmaster (B.Ed.,Grade) as on 01.06.1988. The petitioners filed the Writ Petition stating that he is also entitled to similar benefit extended by G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009. Earlier, the petitioners filed a Writ Petitions in W.P.(MD)No.9419 of 2010 and W.P.(MD)No.9418 of 2010 and this Court directed the respondents to consider the representation of the petitioners and to pass orders on merits. Thereafter, several representations have been made by the petitioners with copies of the similar orders passed by the Government in respect of similarly placed persons. It is stated that the petitioners earlier filed a Writ Petition in W.P. (MD)No.9446 of 2011 and W.P.(MD)No.9444 of 2011 for issuing Writ of Mandamus to direct the respondents to extend the benefits of the order dated 21.04.2008 by the Hon'ble Division Bench of this Court in Writ Appeal (MD)No.233 of 2008 which was implemented by the Government in G.O.Ms.No.230, Education Department, dated 10.08.2010. However, the representation of the petitioners were rejected in the meanwhile by the order impugned in the Writ Petition. Hence, in the Writ Petitions filed by the petitioners earlier in W.P.No.9446 of 2011 and in W.P.(MD)No.9444 of 2011, were closed. However, the petitioners in the respective Writ Petitions were permitted to challenge the order of the District Educational Officer.

5.In the impugned orders, dated 21.06.2011 and 16.06.2011, issued by the District Educational Officer, it is stated that the earlier orders of Government are only in respect of the Teachers who have preferred Writ Petitions before this Court earlier and that the same cannot be applied to the petitioners. Reading of Government Order vide G.O.Ms.No.230, dated 10.08.2010, it is stated that the Teachers are entitled to get their salary revised as per the Fifth Pay Commission considering the Selection Grade and Special Grade in the post of Headmaster of the Middle School. Though it is stated in the Government Order that the order is restricted to those persons who have got specific orders of the Court, the petitioners seek the benefit of order passed by Court in the case of similarly placed persons. Hence, the rejection of the petitioners' request for the reason that the petitioners have not approached the Court may not be proper. The reading of G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009, would reveal that based on the decision of the Tamil Nadu State Administrative Tribunal, the request of the similarly placed persons were conceded based on the ~~services of~~ Tribunal or persons who have approached the Court.



Similar benefit was extended to others based on individual orders obtained by Teachers either in the Writ Petition or by filing a petition before the Administrative Tribunal. The petitioners who are also similarly placed are entitled to the relief. However, the petitioners admit that they retired from service on 30.06.2002 and 31.05.1999 respectively. Though there is a long delay in filing the petition, considering the fact that in similar circumstances, a Full Bench of this Court extended the benefit of Government Order in the individual cases to hundreds of persons those who approached this Court by filing writ petitions after their retirement, this Court is inclined to allow these Writ Petitions. A Division Bench of this Court in a batch of cases, by order dated 03.01.2019, held that the Writ Petitions are entitled to the benefit of earlier order of Government in similar cases particularly by referring to G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009. Accordingly, these Writ Petitions are allowed. The petitioners are entitled to the benefit of order passed by this Court which was implemented by the respondents in terms of the Government Order in G.O.Ms.No.210, School Education (G.1) Department, dated 14.08.2009 and G.O.Ms.No.190, School Education Department, dated 12.07.2010.

6.As a result, the impugned orders are set aside and the Writ Petitions are allowed. The respondents are directed to extend the benefit of order of the Government in respect of similarly placed persons in G.O.Ms.No.210, School Education (G.1) Department, dated 14.08.2009 and G.O.Ms.No.190, School Education Department, dated 12.07.2010 within a period of **(*)three months** from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

**(*)Amended as per order of
this Hon'ble Court dated 03.01.2020**

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

SRM

To

(*) to be substituted the order already despatched on 11.12.2019.

1.The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai.



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

3.The District Educational Officer,
Dindigul District, Dindigul.

+2 CC to M/s.S.DEVASENA, Advocate (SR-588)

W.P. (MD) .Nos.2490 & 2491 of 2014
04.10.2019

_KM/ (09.12.2019) 5P 5C
TR(13.01.2020) 5P 6C