

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

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THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 19150 of 2015

1.M.Kuppan
2.V.N.Srinivasan
3.V.Gopalakrishnan
4.R.Krishnamoorthy
5.A.L.Thirugnanam

..Petitioners

Vs

1.The Government of Tamil Nadu
rep.by its Secretary to Governmet,
School Education Department,
Fort.St.George, Chennai-600009.

2.The Director of Elementary Education,
College Road,
Chennai -600006.

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

4.The Assistant Elementary Educational Officer,
Arcot Panchayat Union,
Arcot, Vellore District

5.The Assistant Elemetary
Educational Officer,
Walajah (East) Panchayat Union,
Ranipet, Vellore District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fix the pay of the petitioners in Selection Grade/ Special Grade in the post of Middle School Headmaster by computing their entire services rendered as Secondary Grade Assistant Teacher Elementary School Headmaster and Middle School Headmasters with effect from 1.6.1988 by extending the benefits of G.O.Ms.No.210 School Education (G1) Department dated 14.8.2009 in favour of the petitioners and pay the arrears with other consequential benefits.

For Petitioners : M/s. A.S.Kaizer
For Respondents : Mrs.P.Kavitha, GA

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to fix the pay of the petitioners in Selection Grade/ Special Grade in the post of Middle School Headmaster by computing their entire services rendered as Secondary Grade Assistant Teacher Elementary School Headmaster and Middle School Headmasters with effect from 1.6.1988 by extending the benefits of G.O.Ms.No.210 School Education (G1) Department dated 14.8.2009 in favour of the petitioners and pay the arrears with other consequential benefits.

2. Brief facts of the case is that the petitioners herein were appointed as Secondary Grade Assistant Teachers on various dated before 01.10.1970 and subsequently promoted as Middle School Headmaster after 01.06.1988. On 01.10.1970 the post of Middle School Headmaster became a promotional post. As per G.O. Ms. 1381, Education Department dated 05.10.1990, the Elementary School Headmasters who were in position on 01.06.1988 had been awarded Selection Grade Special Grade in the revised Scales on or after 01.06.1988 computing the period of services rendered as Secondary Grade Teachers as well as Elementary School Headmaster prior to 01.06.1988. The said benefits were not given to the Middle School Headmaster. Similarly placed Middle School Headmaster were filed O.A. No. 3521 of 1997 etc., batch before the Tamil Nadu Administrative Tribunal and obtained orders of fixation of Selection /Special Grade pay to them. In view of subsequent direction in the writ petition and writ appeal, the Government have passed orders in G.O. Ms. No. 210 only to the parties in the above O.A.No. 3830 of 1997. Hence seeking similar relief, the petitioners herein have filed this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the documents available on record.

4. The learned counsel for the petitioners submitted that the petitioners herein were also appointed as Secondary Grade Assistant Teachers/Elementary School Headmasters on various dates. All the petitioners were subsequently promoted as Middle School Headmasters before 01.06.1988. Therefore, they made representations to the respondent to extend the benefits as per G.O.Ms.No.210, School Education Department, dated 14.08.2009, but no orders have been passed by the respondent till date .

5. It is further submitted by the learned counsel for the petitioners that earlier similarly placed persons have approached this Court in W.P.No. 33763 of 2014 seeking extension of benefits of G.O.Ms.No.210, School Education (G1) Department,

dated 14.08.2009 and this Court by order dated 19.12.2014 granted relief to the petitioners therein. Therefore, it is submitted by the learned counsel for the petitioners that the writ petitioners herein also entitle for the said relief. In view of the aforesaid order of this Court, the respondent ought to have granted the benefit of Selection Grade/Special Grade in the post of Middle School Headmaster by computing their entire services w.e.f. 01.06.1988.

6. On the other hand, the learned Government Advocate appearing for the respondents submitted that the representation submitted by the petitioners is pending and the same shall be considered by taking note of the observations made in the Review Application (SR).No.122760 of 2013 dated 27.02.2014. The relevant portion of the said order is extracted below;

57. At this juncture, it is also relevant to take note of the fact that in the case of Middle School Headmaster, the cut off date is 01.10.1970, since the Middle School Headmasters were granted higher scale of pay from 01.10.1970 and prior to 01.10.1970, the posts of Secondary Grade Teacher, Primary School Headmaster and the Middle School Headmaster carried the same scale of pay and for the grant of Selection Grade and Special Grade to the Middle School Headmasters, the service rendered as Secondary Grade Teachers and the Primary School Headmasters to those Secondary Grade Teachers, who joined before 01.10.1970, is counted without reference to the date on which they were promoted as Middle School Headmasters.

58. G.O.Ms.No. 210, School Education Department, dated 14.08.2009, was issued in respect of 65 persons, who obtained orders from this court, to court the service of Secondary Grade Teachers, who joined service prior to 01.10.1970 for granting the Selection Grade/Special Grade to the post of Middle School Headmaster. May writ petitions were filed by the similarly situated person, who joined as Secondary Grade Teacher prior to 01.10.1970 to extend the benefit of G.O. Ms.No. 210 to them also. These writ petitions were allowed. I also allowed a similar claim by the order dated 12.11.2011 in W.P. No. 15307 of 2011."

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7. In the light of the above order of this Court, the 1st respondent is directed to consider the petitioners' representation by taking note of the above paragraphs and the order passed by this Court in W.P. No. 29624 of 2005, dated

15.09.2005, confirmed by the Hon'ble Division Bench of this Court in W.A.No. 233 of 2008 dated 21.04.2008 and to pass orders on merits, in accordance with law , as expeditiously as possible within a period of four months from the date of receipt of a copy of this order. It is open the petitioner to produce a copy of his representation to the respondent along with a copy of this Order.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
School Education Department,
Fort.St.George, Chennai-600009.

2.The Director of Elementary Education,
College Road,
Chennai -600006.

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

4.The Assistant Elementary Educational Officer,
Arcot Panchayat Union,
Arcot, Vellore District

5.The Assistant Elemetary
Educational Officer,
Walajah (East) Panchayat Union,
Ranipet, Vellore District.

+1cc to Mr.A.S.Kaizer, Advocate, S.R.No. 17015

+1cc to the Government Pleader, S.R.No. 16704

+4cc to Mr.A.S.Kaizer, Advocate, S.R.No. 17015(13/08/2020)

W.P.No. 19150 of 2015

RLD(CO)
GN(31/07/2020)