

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32590 to 32601 of 2013

- 1.D.NICHOLAS ... Petitioner in W.P.32590/2013
2. V.S.GUNAVATHY ... Petitioner in WP No.32591 of 2013
3. C.LOGANATHAN ... Petitioner in WP No.32592 of 2013
4. M.DASARADA RAMA REDDY ... Petitioner in WP No.32593 of 2013
5. R.SIVAPRAKASAM ... Petitioner in WP No.32594 of 2013
6. N.SANTHANAM ... Petitioner in WP No.32595 of 2013
7. A.KATHIRVELU ... Petitioner in WP No.32596 of 2013
8. G.M.VENU (RETIRED TEACHER) ... Petitioner in WP No.32597 of 2013
9. R.NEELAKANDAN ... Petitioner in WP No.32598 of 2013
- 10.K.MOHAMMED YOUSUFF ... Petitioner in WP No.32599 of 2013
- 11.K.SELVARAJ ... Petitioner in WP No.32600 of 2013
12. M.SOMASUNDARAM ... Petitioner in WP No.32601 of 2013

Vs.

1. The Secretary
School Education Department,
Secretariat Building, Chennai - 600 009.
 2. The Director of Elementary Education,
College Road, Chennai - 600 006.
 3. The District Elementary Education Officer,
Thiruvallur,
Thiruvallur District.
 4. The Assistant Elementary Education Officer,
Ellapuram Block at Periapalayam,
Thiruvallur District - 601 102.
- ... Respondents 1 to 4 in
W.P.32590 to 32601/2013
(12 wp's)

Comman Prayer in W.P.No.32590 to 32601 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to extend the privilege of preference and other benefits available under G.O.Ms.No.202 of School Education (G2) Department dated 24.09.2008 with reference to the final order in W.P.No.8092 to 8094 of 2009 dated 8.7.2013 as covered Judgment already given effect.

For Petitioner : M/s.G.Thangavel

For Respondents: Mr.S.Suresh Kumar

Government Advocate

C O M M O N O R D E R

The petitioners have filed these writ petitions seeking direction to the respondents to extend the benefits available under G.O.Ms.No.202, School Education (G2) Department, dated 24.09.2008.

2.Since the issue involved in all these writ petitions are one and the same, they are disposed of by way of a common order.

3.The petitioners are retired Head Masters and Head Mistress who have worked in various Panchayat Union Schools. According to them, they are entitled to the benefit of G.O.Ms.No.202, School Education (G2) Department, dated 24.09.2008. Hence, these writ petitions.

4.The learned counsel appearing for the petitioners would submit that the petitioners in W.P.Nos.32591, 32592 and 32593 of 2013 have died and would further submit that no legal heirs came forward to represent the estate of the petitioners in W.P.Nos.32591, 32592 and 32593 of 2013.

5.The learned counsel appearing for the petitioners would further submit that in so far as the writ petitions in W.P.Nos.32590, 32594 to 32601 of 2013 are concerned, the issue involved in these writ petitions is squarely covered by the decision of the Division Bench of this Court made in W.A.Nos.125 and 697 of 2016 (The Government of Tamil Nadu, Rep. by its Secretary, School Education Department and others Vs. R.Kumaresan and another) dated 26.06.2018.

6.The learned Government Advocate did not dispute the submission made by the learned counsel appearing for the petitioners.

7.It is useful to extract hereunder the relevant portion of

the decision of the Division Bench of this Court made in W.A.Nos.125 and 697 of 2016 dated 26.06.2018:

"7.The material portion of G.O.Ms.202 School Education (G2) Department dated 24.09.2008, extracted above would show that any person who has served as a Primary School Headmaster before 01.06.1988, who has been transferred as a Secondary Grade Teacher, either before or after that date, would be entitled to be treated as Primary School Headmaster and the benefits would be conferred on them irrespective of the fact that they have not approached the Court.

8.The facts are not in dispute. It is admitted that the respondents had worked as Primary School Headmasters before 01.06.1988 and were transferred and posted as Secondary Grade Teachers.

9.In view of the clear terms of the G.O., we do not see any reason to interfere with the order of the learned Single Judge. We conclude that the respondents in these Appeals would be entitled to the benefits of G.O.Ms.No. 202 School Education (G2) Department dated 24.09.2008. The Appeals fail and they are dismissed. However, in the circumstances, there will be no order as to costs. Consequently, the connected miscellaneous petitions are closed."

8.In view of the above, the writ petitions in W.P.Nos.32590, 32594 to 32601 of 2013 are allowed in terms of the decision of the Division Bench of this Court made in W.A.Nos.125 and 697 of 2016 dated 26.06.2018. The writ petitions in W.P.Nos.32591, 32592 and 32593 of 2013 are dismissed as abated. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to School Education,
Secretariat Building,
Chennai - 600 009.

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

3.The District Elementary Education Officer,
Thiruvallur,
Thiruvallur District.

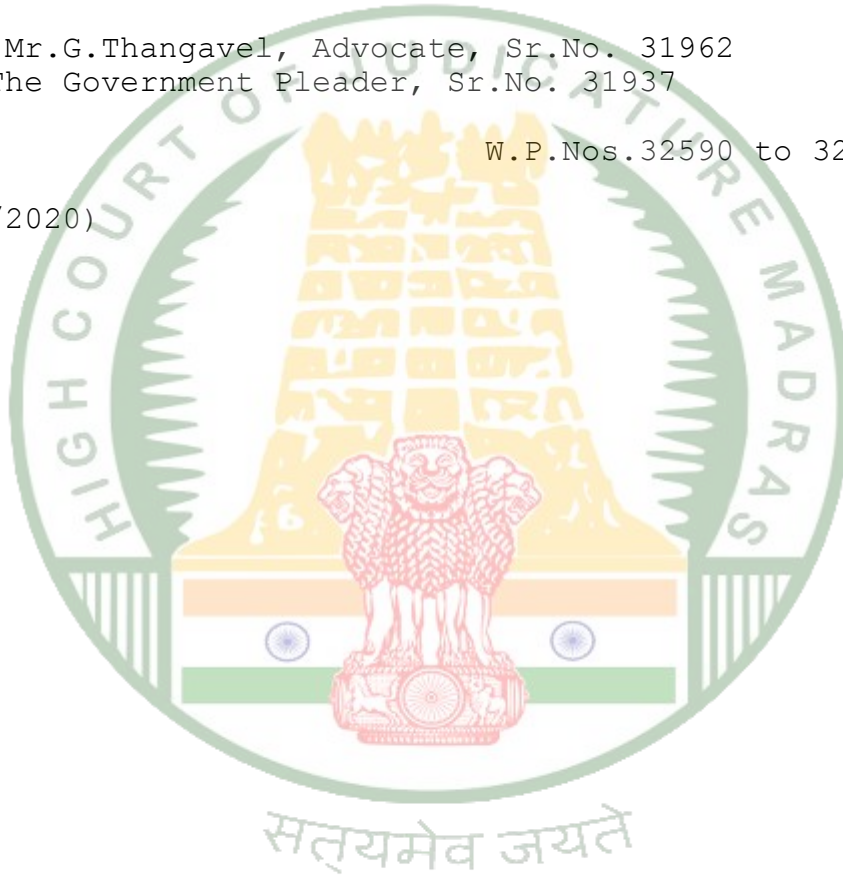
4.The Assistant Elementary Education Officer,
Ellapuram Block at Periapalayam,
Thiruvallur District - 601 102.

+10ccs to Mr.G.Thangavel, Advocate, Sr.No. 31962

+1 cc to The Government Pleader, Sr.No. 31937

W.P.Nos.32590 to 32601 of 2013

GMR (CO)
RMP (03/11/2020)



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