



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.3728 of 2011 and

M.P. (MD) No.1 of 2011

WEB COPY

M.A.Srinivasan

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep by its Secretary,
Department of Education,
Chennai -9.

2. The Director of School Education,
Chennai -6.

3. District Elementary Educational Officer,
Thanjavur.

4. Assistant Elementary Educational Officer,
Kumbakonam,
Thanjavur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to Proceedings N.K.No.2369/A2/2010 dated 28.02.2011 issued by the fourth respondent, quash the same and direct the fourth respondent to extend the benefits of G.O.Ms.No.207 Education Department (G2) dated 30.09.2008 issued by the first respondent.

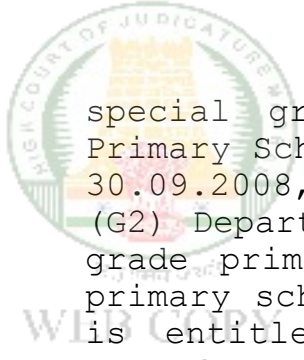
For Petitioner : Mr.R.Subramanian

For Respondents : Mr.N.Shanmugaselvam
Special Government Pleader

O R D E R

This Writ Petition is filed to call for the records pertaining to Proceedings N.K.No.2369/A2/2010 dated 28.02.2011 issued by the fourth respondent, quash the same and direct the fourth respondent to extend the benefits of G.O.Ms.No.207 Education Department (G2) dated 30.09.2008 to the petitioner.

2. The case of the petitioner is that the petitioner was appointed as Secondary Grade teacher on 29.01.1974. On 10.06.1984, he was awarded selection grade and on 10.06.1994, he was awarded



special grade. Subsequently, on 05.09.1998, he was promoted as Primary School Headmaster and retired from service on 30.11.2007. On 30.09.2008, the Government issued G.O.Ms.No.207 School Education (G2) Department, revising the pay scales of selection grade/special grade primary school headmasters, wherein it was stated that the primary school headmasters who were promoted on or after 01.06.1988 is entitled to claim the benefit of counting the services of secondary grade teacher for selection grade and special grade in the post of primary school headmaster. On 19.07.2009, the petitioner has made representation to the fourth respondent requesting to re-fix the pay on the basis of G.O.Ms.No.207 and pay the revised pensionary benefits. But the fourth respondent has passed the impugned order in N.K.No.2369/A2/2010, dated 28.02.2011, rejecting the claim of the petitioner. Challenging the same, the petitioner has come up with this present Writ Petition.

3. The learned counsel for the petitioner has submitted a copy of the order passed by this Court in W.P.No.17606 of 2013 and brought to the notice of this court that similar issues have been settled in the said Writ Petition, taking into consideration of the Government Order in G.O.Ms.No.207 School Education (G2) Department dated 30.09.2008.

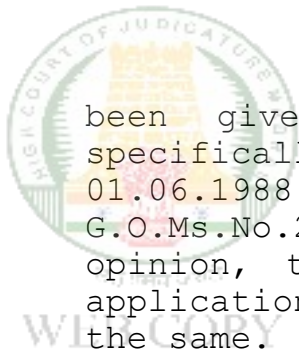
4. No counter affidavit has been filed on the side of the respondents. Mr.N.Shanmugaselvam, learned Special Government Pleader takes notice on behalf of the respondents.

5. Heard the learned counsel for the petitioner and perused the documents.

6. The petitioner's claim to extend the benefit of G.O.Ms.No.207, Education Department (G2), dated 30.09.2008 to him was rejected by the respondents by relying on G.O.Ms.No.38, School Education, dated 05.03.2001. Perusal of G.O.Ms.No.207 would clearly state that for the persons who has been appointed as Primary School Headmaster after 01.06.1988, the Government have specifically stated that without reference to G.O.Ms.No.38, School Education, dated 05.03.2001, by applying G.O.Ms.No.185, School Education, dated 16.12.2002 and G.O.Ms.No.160, School Education dated 23.08.2005, selection grade and special grade can be granted in the post of Primary School Headmaster and had directed the authorities to re-fix the pay and to grant the pensionary benefits accordingly.

7. The only issue to be decided in this matter is whether G.O.Ms.No.207, Education Department(G2), dated 30.09.2008 is applicable to the petitioner or not.

8. Admittedly, the petitioner has been appointed after 01.06.1988 and therefore he had given a representation to the authorities to extend the benefit of G.O.Ms.No.207, but the respondents have rejected the same stating that the petitioner had



been given the benefit based on G.O.Ms.No.38. G.O.Ms.No.207 specifically states that persons who have been appointed after 01.06.1988 as Primary School Headmaster are entitled for the benefit G.O.Ms.No.207 without reference to G.O.Ms.No.38 and in my considered opinion, the respondents have passed the impugned order without application of mind and therefore, I am inclined to interfere with the same.

9. Accordingly, the impugned order dated 28.02.2011 passed by the fourth respondent is set aside and the respondents are directed to extend the benefits of G.O.Ms.No.207 to the petitioner and refix the pay and pay the pensionary benefits from the date of his retirement an such exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

sd-

Assistant Registrar(AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar

vrn

To

1. The Secretary
Government of Tamil Nadu,
Department of Education, Chennai -9.
2. The Director of School Education,
Chennai -6.
3. The District Elementary Educational Officer,
Thanjavur.
4. The Assistant Elementary Educational Officer,
Kumbakonam, Thanjavur District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-5560[F] dated 11/02/2020)

W.P. (MD) No.3728 of 2011

and

M.P. (MD) No.1 of 2011

10.02.2020