



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.20249, 20256 & 20258 of 2013

W.P. (MD) No.20249 of 2013

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V.Yasothai

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 006.

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

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

4.The Assistant Elementary Educational Officer
Sathur, Virudhunagar District.

5.The Secretary,
Sri Ramana Vidhya Mandram (SRVM) Primary School,
Sathur, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents herein to sanction and award forthwith Selection Grade and Special Grade to the petitioner in the post of Primary School Headmistress by reckoning and computing the petitioner's service rendered in the cadres of Secondary Grade Teacher (28.01.1974 to 31.05.2005) and Primary School Headmaster (from 01.06.2005 onwards).

W.P. (MD) No.20256 of 2013

D.Rethinam

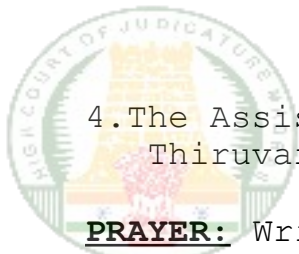
... Petitioner

vs.

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Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 006.

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

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



4.The Assistant Elementary Educational Officer
Thiruvarankulam, Pudhukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents herein to sanction and award forthwith Selection Grade and Special Grade to the petitioner in the post of Primary School Headmistress by reckoning and computing the petitioner's service rendered in the cadres of Secondary Grade Teacher (19.06.1976 to 30.11.2000) and Primary School Headmaster (from 01.12.2000 onwards).

W.P. (MD) No.20258 of 2013

C.Devaraj

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 006.

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

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

4.The Assistant Elementary Educational Officer
Kariapatti, Virudhunagar District.

5.The Secretary,
C.S.I. School,
Chiddhumuntadaippu, Kariapatti,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents herein to sanction and award forthwith Selection Grade and Special Grade to the petitioner in the post of Primary School Headmaster by reckoning and computing the petitioner's service rendered in the cadres of Secondary Grade Teacher (04.10.1982 to 05.06.1990) and Primary School Headmaster (from 06.06.1990 onwards).

For Petitioner	: Mr.P.Muthuvel
(in all W.Ps.)	for M/S.Isaac Chambers
For R1 to R4	: Mr.P.Mahendran,
(in all W.Ps.)	Additional Government Pleader
For R5	: No Appearance
(in W.P. (MD) Nos.20249 & 20258 of 2013)	



C O M M O N O R D E R

The relief sought for in the present writ petitions is for a direction to the respondents to sanction and award forthwith Selection Grade and Special Grade to the petitioners in the post of Primary School Headmaster by reckoning and computing the petitioners service rendered in the cadres of Secondary Grade Teacher and Primary School Headmaster, respectively.

2.The issues in relation to the extension of benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to the similarly placed persons, were considered by the Honourable Division Bench of this Court in Rev.Aplc.(MD) Nos.56 to 60 of 2019 and an order was passed on 31.01.2019. The relevant paragraphs of the said order are extracted hereunder:

"2.The Writ Appeals were dismissed by us on 11.08.2017 on the ground that the Full Bench of this Court in the decision reported in **2017 (2) MLJ 257 (FB) - the Government of Tamil Nadu, represented by the Secretary, School Education Department, Fort. St. George, Chennai - 9 and others Vs. G.Eswaran and others**, had already ruled against the Government and in favour of the retired employees. Contending that the said direction has not been complied with, the writ petitioners filed CONT.P[MD]Nos.2007 to 2009 of 2018. Seeking review of the order dismissing the Writ Appeals, the Government has filed review petitions on the ground that even though the Full Bench decision went against the Government, the direction issued by the Full Bench ought to have been incorporated while dismissing the Writ Appeals.

3.The learned Special Government Pleader is right in her submission that even while ruling in favour of the retired employees, the Full Bench issued a direction for implementing the monetary benefits only with effect from 01.03.2017 onwards. Since this aspect of the matter was not taken note of, the order dated 11.08.2017 in the aforesaid Writ Appeals stands set aside. Accordingly, the Writ Appeals are disposed of, with the following directions:

- 1) The Government is directed to extend the benefit conferred under G.O.[Ms.] No.234, School Education Department dated 10.09.2009, in respect of the respondents /



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writ petitioners herein on and from 01.03.2017 onwards. Consequently, the Government shall compute and revise their pension based on the revised scales of pay in terms of the aforesaid G.O. and this shall be payable on and from 01.03.2017.

2) It is made clear that the beneficiaries under the order are not entitled to the arrears of revised pay scales.

3) The Government is directed to expedite the process of computing and fixing the revised pension and disburse the benefits as expeditiously as possible without further delay.

4. In the result, the Review Applications are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

3. This being the factum, the respondents are directed to extend the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to all these writ petitioners, with reference to the orders of the Honourable Division Bench (cited supra), as expeditiously as possible. However, it is made clear that the respondents shall verify the service records and ascertain the eligibility of these writ petitioners and accordingly, extend the the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009, to them. Accordingly, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (writs)

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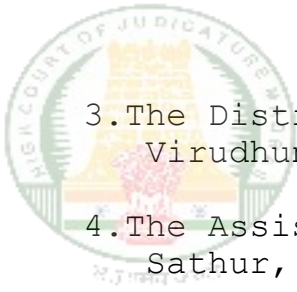
Sub Assistant Registrar(CS)

gns

To

1. The Secretary,
Department of School Education,
Fort St. George, Chennai-600 006.

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



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

6.The Assistant Elementary Educational Officer
Thiruvarankulam, Pudhukottai District.

7.The Assistant Elementary Educational Officer
Kariapatti, Virudhunagar District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-19806[F] dated 12/10/2020)

+1 CC to M/s.SPL GP (SR-19763[F],SR-20019[F] dated 12/10/2020)

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