



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 12611 of 2020

(Through Video Conferencing)

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C. Rosary

... Petitioner

Vs.

1. The Director of School Education,
College Road, Nungambakkam, Chennai

2. The Chief Educational Officer,
Tiruchirappalli District.

3. The District Educational Officer,
Manapparai, Trichy District.

4. The Correspondent
Little Flower Girls Higher Secondary School
Manapparai, Trichy.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 herein to consider the representation of the petitioner dated 27.07.2020 to grant the selection grade pay with retrospective effect from 26.08.2007 along with all monetary benefits.

For Petitioner : Mr. S. Wilson

For Respondents : Mr. A. Thiagarajan

Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus to direct the respondents 1 to 3 herein to consider the representation of the petitioner dated 27.07.2020 to grant the selection grade pay with retrospective effect from 26.08.2007 along with all monetary benefits.

2. The petitioner is qualified with B.Sc., B.Ed., degree and accordingly, she was appointed at the fourth respondent School on 27.08.1997 as Secondary Grade Teacher and had been continuously working in that capacity.

3. Some time in the year 2002, the Government issued G.O. Ms. No. 155 School Education (D2) Department dated 03.10.2002, whereby, those who had been appointed with B.Ed., qualification in the secondary grade vacancy between 1995 and 1998, their services can be continued and regularized, however, they should have been trained in child psychology for the purpose of taking classes to primary sections.



4. Accordingly, the petitioner also from 02.05.2003 to 31.05.2003 had undergone the child psychology training and accordingly, she had been continuously working as Secondary Grade Teacher.

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5. Those who had been working in a particular cadre or post without getting any further promotion for 10 years on permanent basis, such of the employees can be considered for conferring the selection grade and once selection grade is conferred on any such employee, who completed ten years of service in the same cadre or post, some pay revision would be made by way of additional increment of 3% of basic pay. In this regard, the Government issued G.O. Ms. No. 413 Finance (PGC) Department dated 04.11.2010 and G.. Ms. No. 237 Finance (Pay Cell) Department dated 22.07.2013.

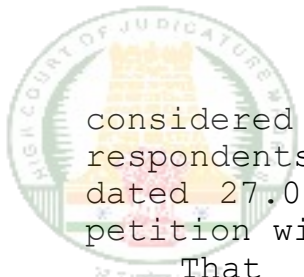
6. Though such a procedure being adopted and the practice was in vogue to confer the selection grade after completion of ten years, in the case of the petitioner, though she completed 10 years in the year 2007 itself, ie., on 21.06.2007, such a benefit was not conferred on the petitioner. However, thereafter, in the year 2011, on the basis of seniority, she was promoted as B.T. Assistant.

7. But the grievance of the petitioner is that, from 26.08.2007, the conferment of selection grade and corresponding pay revision ought to have been made in respect of the petitioner, which they have not done. Therefore, in this regard, the petitioner has given a representation on 27.07.2020 to the third respondent and the said representation, since has not been considered, the present writ petition has been filed with the aforesaid prayer.

8. Heard the learned counsel for the petitioner, who has reiterated the aforesaid facts and relied upon the G.Os., referred to above and also the decision of this Court in W.P. (MD) Nos. 19571 to 19573 of 2013 dated 06.01.2014 in the matter of R. Layola v. The Government of Tamil Nadu, represented by its Secretary and three others.

9. I have also heard the learned Government Advocate for the respondents, who would submit that, in view of the extant rules, as has been issued under the Government orders and based on the earlier orders passed by this Court on the similar issue, the representation of the petitioner dated 27.07.2020 will be considered by the respondents and accordingly, suitable orders to that effect would be passed on merits and in accordance with law within a time frame that may be stipulated by this Court.

10. Considering the aforesaid submissions made by the learned counsel for both sides and having perused the materials placed before this Court, since the issue seeking conferment of selection grade to the petitioner on completion of ten years as Secondary Grade Teacher with effect from 26.08.2007 can very well be



considered and orders to that effect can be passed by the respondents pursuant to the representation given by the petitioner dated 27.07.2020, this Court is inclined to dispose of this writ petition with the following order:

That the respondents are hereby directed to consider the representation of the petitioner dated 27.07.2020 and pass necessary orders on merits and in accordance with law to the effect of conferring the selection grade to the petitioner on completion of ten years of service by the petitioner in the Secondary Grade Assistant Post and accordingly, revise the pay and corresponding service benefits with effect from 26.08.2007. The necessary orders to that effect shall be passed by the respondents, within a period of eight weeks from the date of receipt of a copy of this order."

11. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director of School Education,
College Road, Nungambakkam,
Chennai

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Tiruchirappalli District.

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Trichy District.

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Manapparai, Trichy.

+1 cc to Mr. S. WILSON, Advocate, SR No. 18176

W.P. (MD) No. 12611 of 2020
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