



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.30233 of 2014

- 1.M.Lakshmanan
- 2.V.Ramachandran
- 3.V.Natarajan
- 4.D.Subramanian
- 5.P.S.Veerasamy
- 6.A.Neelambal
- 7.P.Jayaraman
- 8.M.Samuel
- 9.S.Veerappan
- 10.R.Jothi
- 11.V.Radhakrishnan
- 12.S.Sundaramurthy
- 13.M.D.Mani
- 14.K.Elayaperumal
- 15.S.P.Lakshmi
- 16.K.Mani
- 17.A.G.Palaniyandi
- 18.S.Boobalagan
- 19.J.Subramanian
- 20.R.Dananjeyan
- 21.K.Rajendiran
- 22.S.Catherin
- 23.V.D.Anuradha
- 24.S.Murugesan
- 25.S.Rajendiran
- 26.V.Hemavathy
- 27.T.Ambujam

... Petitioners

Vs

1. The State of Tamil Nadu Rep. By
The Secretary to Government,
School Education Department,
For St. George, Chennai - 600 009.
2. The Director of Elementary Educational Officer,
College Road, Nungambakkam,
Chennai - 600 006.



WEB COPY

3. The District Elementary Educational Officer,
Villupuram, Villupuram District.
4. The Assistant Elementary Educational Officer,
Vikravandi, Villupuram District.
5. The Assistant Elementary Educational officer,
Melmalaiyanur, Villupuram District.
6. The Assistant Elementary Educational Officer,
Thiyagadurgam, Villupuram District.
7. The Assistant Elementary Educational Officer,
Ulundurpet, Villupuram District.
8. The Assistant Elementary Educational Officer,
Tirunavalur, Villupuram District.
9. The Assistant Elementary Educational Officer,
Gingee, Villupuram District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to extend the benefit of the G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009 in so far as the petitioner is concerned and accordingly to award Selection/Special grade scale of pay in the post of Elementary School Headmaster by taking count of their lower cadre Secondary Grade Assistant Service as given to 63 persons is concerned.

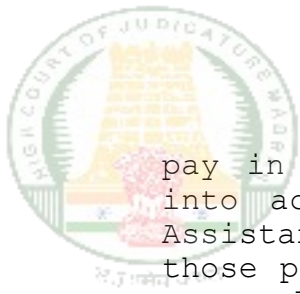
For Petitioner : Mr.A.R.Suresh for Mr.V.Thirupathi

For R1 to R9 : Mr.C.Munusamy, Spl. GP

ORDER

The prayer made in this Writ Petition is to direct the first respondent to extend the benefit of G.O.Ms.No.234 School Education (G2) Department dated 10.09.2009 insofar as the petitioners are concerned and accordingly award Selection/Special grade scale of pay in the post of Elementary School Headmaster by taking into account their lower cadre Secondary Grade Assistant Service as given to 63 persons.

2.The case of the petitioners is that they were all initially appointed as Secondary Grade Teachers and promoted as Elementary School Headmaster after 01.06.1988. According to them, the persons who were promoted to the post of Elementary School Headmaster after 01.06.1988 were not duly considered by the Government for awarding Selection / Special Grade scale of



pay in the post of the Elementary School Headmaster by taking into account their lower cadre service viz., Secondary Grade Assistant or Elementary School Headmaster and hence, some of those persons preferred O.A.Nos.68/97, 177/97 and 5548/98, which were allowed on 12.07.2002 by the Tamil Nadu Administrative Tribunal. As against the said order, the Government preferred writ petitions, which were dismissed on 21.02.2008 and the decision of the Tribunal ultimately became final. Therefore, the Government issued G.O.Ms.No.234 School Education Department, dated 10.09.2009, thereby awarding Special Grade and Selection Grade Scale of pay to the post of Elementary school Headmasters in respect of 63 persons, who were promoted after 01.06.1988. However, the said benefit was not extended to the petitioners though they were similarly placed persons. Hence, this writ petition.

3.The learned counsel for the petitioners submitted that the petitioners were similarly placed persons as that of the beneficiaries of G.O.Ms.No.234, School Education Department, dated 10.09.2009, they have not been conferred with the said benefit, as they failed to approach the court of law. Such practice adopted by the respondents is arbitrary, illegal and discriminatory in nature. Thus, the learned counsel sought to extend the benefit of the said order to the petitioners herein by considering the representation dated 23.01.2014 submitted by them.

4.On the other hand, the learned Special Government Pleader appearing for the respondents submitted that the respondent authorities would consider the claim of the petitioners and pass orders on merits within a reasonable time to be fixed by this Court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation dated 23.01.2014 submitted by the petitioners, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands 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,
For St. George, Chennai - 600 009.
2. The Director of Elementary Educational Officer,
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9. The Assistant Elementary Educational Officer,
Gingee, Villupuram District.

+1cc to the Government Pleader, S.R.No.5565

W.P.No.30233 of 2014

PCH(CO)
HS(16/07/2021)