

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.12629 of 2014

M.Venugopal

... Petitioner

Vs.

1.State of Tamil Nadu, rep. by
its Secretary to Government
School Education Department,
Secretariat,
Chennai - 600 009.

2.Chief Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

3.District Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to award Selection Grade and Special Grade in the cadre of Headmaster of Elementary School and confer all the consequential benefits to the petitioner by implementing the order passed by the Government in G.O.Ms.No.69, School Education Department, dated 18.04.2013.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates

For Respondents : Mr.A.Rajaperumal for R1 to R3
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking a direction to the respondents 2 and 3 to award Selection Grade and Special Grade in the cadre of Headmaster of Elementary

School and confer all the consequential benefits by implementing G.O.Ms.No.69, School Education Department, dated 18.04.2013.

2.The case of the petitioner as projected in the writ petition is as follows:

2.1 The petitioner joined as Headmaster of Elementary School in Panchayat Union Elementary School, Su.Puppampadi on 03.02.1958. Subsequently, he was appointed as Secondary Grade Teacher on 22.10.1960. While he was working as such in Panchayat Union Middle School, Thachampattu, the middle school was upgraded as High School, due to which, he was absorbed in the High School as Secondary Grade Teacher on 21.08.1963 and he retired from service on 30.11.1993 on reaching the age of superannuation.

2.2 In view of the change in pay structure after the V Pay Commission recommendation, the Secondary Grade Teachers working in High Schools were denied promotion and hence, they filed original applications before the Tamil Nadu Administration Tribunal and the petitioner also filed O.A.No.7543 of 1995. The Tribunal passed order either to revert the petitioners therein back to the Panchayat Union Service or to give scale of pay applicable to the Selection Grade and Special Grade in the promotional post. As against the order of the Tribunal, the State filed writ petitions, which were dismissed by this Court. Thereafter, the State went on further appeal before the Supreme Court, which was also dismissed.

2.3 Pursuant to the same, the State issued G.O.Ms.No.69, School Education Department, dated 18.04.2013, wherein it is stated that the selection grade / special grade will be awarded in the stage of Elementary School Headmaster only to the eligible intermediate teachers, who worked and retired between 01/06/1988 and 31/12/1995 that is the fifth pay commission period. In the said G.O, the petitioner's name was found at Sl.No.1564, but the benefit of the same was not extended to him. Hence, this writ petition.

3.In the counter affidavit filed by the second respondent, it was stated that the petitioner has filed the writ petition without understanding G.O.Ms.No.69, School Education Department, dated 18.04.2013 and the subsequent clarification issued in G.O.Ms.No.180, School Education (SE3(1)) Department, dated 06.09.2013. According to the respondents, as the petitioner's special grade completion date falls on 01.06.1981 but not in

between 01.06.1988 and 31.12.1995 (i.e., fifth pay commission period), the question of pay anomaly does not arise and hence, the petitioner is not eligible as per the said G.O.

4.The aforesaid stand taken in the counter affidavit filed by the respondents was seriously opposed by the learned counsel for the petitioner, who submitted that as per G.O.Ms.No.69 dated 18.04.2013 selection grade / special grade should be granted in the stage of Elementary School Headmasters to the intermediate teachers, who worked and retired between 1.6.1988 and 31.12.1995, whereas the respondents failed to consider the fact that the petitioner reached the special grade on 01.06.1981 and served till the date of superannuation i.e., on 30.11.1993, which period is well within the period mentioned in the said G.O. Hence, according to the learned counsel, the stand so taken by the respondents cannot be accepted.

5.This Court considering the rival submissions and perused the materials available on record.

6.It is not in dispute that the petitioner retired from service with effect from 30.11.1993, which is within the period between 01.06.1988 and 31.12.1995 as mentioned in G.O.Ms.No.69, School Education Department, Dated 18.04.2013 and his name was also found place in the said G.O., in Serial No.1564. However, he was denied the benefit of the said Government Order, citing subsequent clarification issued in G.O.Ms.No.180, School Education (SE3(1)) Department, Dated 06.09.2013, as per which, the selection grade/ special grade will be awarded in the stage of Elementary School Headmaster only to the eligible intermediate teachers, who worked and retired between 01.06.1988 and 31.12.1995 and who attained selection grade/special grade in the period between 01.06.1988 and 31.12.1995, whereas the petitioner reached the special grade on 01.06.1981 and not in between the period 01.06.1988 and 31.12.1995. In the opinion of this Court, the stand so taken by the respondents in the counter affidavit filed by them, cannot be accepted, in the absence of any concrete material. Therefore, this Court deems it fit and appropriate to issue a direction to the respondent authorities, in favour of the petitioner.

7.Accordingly, this writ petition stands disposed of, with a direction to the respondent authorities to consider the claim of the petitioner, if not already considered, and pass

appropriate orders, in the light of G.O.Ms.No.69, School Education Department, dated 18.04.2013, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

pri
To

- 1.The Secretary to Government
School Education Department,
Secretariat,
Chennai - 600 009.
- 2.The Chief Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The District Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

+1cc to the Government pleader Sr.3269
+1cc to Mr.C.S.Associates, Sr.2825

W.P.No.12629 of 2014

rgn[col]
srg 05/07/2021

सत्यमेव जयते

WEB COPY