



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25565 of 2014

1. N.Narayanasamy
2. M.D.Jayavelu
3. R.Venu
4. G.Sulochana
5. N.Jeevarekha
6. P.America
7. A.Muthulakshmi
8. L.Violet Flora
9. S.Chellammal
- 10.Kamalam
- 11.R.Govindarajan
- 12.R.Swaminathan
- 13.Velusamy
- 14.K.R.Dhavamani
- 15.V.Danagopalan
- 16.G.Gnanasekaran
- 17.D.Thamarikannan
- 18.K.Subramanian
- 19.P.Samboornam
- 20.A.Marudhachalam
- 21.S.Neelambal
- 22.K.Meenambal
- 23.S.Devaraju
- 24.V.Mahamuni
- 25.K.Andal
- 26.P.Markandan
- 27.T.Shantha
- 28.D.Rajapragasam
- 29.S.Rajamanickam
- 30.K.Kaliyamuthu
- 31.S.Sengamalai
- 32.A.K.Shanmugam
- 33.D.Ruthleela

... Petitioners

Vs.

1. The State of Tamilnadu,
rep. by the Secretary to Government.
School Education Department,
Fort St. George, Chennai - 600 009.



2. The Director of School Education.
College Road, Nungambakkam, Chennai - 600 006.
3. The Chief Educational Officer,
Villupuram, Villupuram District.
4. The Chief Educational Officer,
Vellore, Vellore District.
5. The Chief Educational Officer,
Tiruvallur, Tiruvallur District.
6. The Chief Educational Officer,
Dharmapuri, Dharmapuri District.
7. The Chief Educational Officer,
Salem, Salem District.
8. The Chief Educational Officer,
Namakka, Namakkal District.
9. The Chief Educational Officer,
Krishnagiri, Krishnagiri District.
10. The Chief Educational Officer,
Tiruppur, Tiruppur District.
11. The Chief Educational Officer,
Trichy, Trichy District.
12. The Corporation Educational Officer,
Chennai Corporation, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to extend the benefit of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993 in the light of the Orders of the Honourable Division Bench in W.P.No.8747 of 2009 dated 14.07.2009 confirmed by the Honourable Supreme Court of India in C.C.No.2746/2010 dated 23.04.2010 and accordingly award selection/special grade scale of pay with effect from 01.06.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners.

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

For Respondents : Mr.A.Rajaperumal,
Additional Government Pleader



ORDER

This writ petition has been filed by the petitioners seeking issuance of writ of Mandamus, to direct the respondents to extend the benefit of G.O.Ms.No.216 Finance (PC) Department dated 22.03.1993 in the light of the order passed by the Division Bench of this Court in W.P.No.8747 of 2009 dated 14.07.2009 as confirmed by the Honourable Supreme Court in C.C.No.2746/2010 dated 23.04.2010 and accordingly, award selection/special grade scale of pay with effect from 01.06.1988 and revision of pensionary benefits and pay arrears immediately to the petitioners.

2. According to the petitioners, they were appointed as Secondary Grade Teachers / Special Teachers in High School and Higher Secondary Schools and on completion of 10/20 years, they were awarded selection/special Grade and they had retired from service without any promotion as such. Whereas, the Teachers served as Secondary Grade Teachers in the Primary Schools have got promotion as Elementary School Headmasters. To rectify such disparity between the Primary School Secondary Grade Teachers and High School/Higher Secondary School Secondary Grade Teachers, the Government issued G.O.Ms.No.216 Finance (Pay Cell) Department dated 22.03.1993, thereby counting the service of Secondary Grade Teachers in High School/Higher Secondary Schools for grant of selection grade and special grade scale of pay in the cadre of Elementary School Headmasters. The said issue was considered and decided by the Division Bench of this Court in W.P.No.8747 of 2009 vide dated 14.07.2009 which was also confirmed by the Supreme Court in C.C.2746 of 2010 dated 23.04.2010, pursuant to which, the Government extended the benefit of G.O.Ms.No.216, Finance (PC) Department dated 22.03.1993 to the similarly placed person. Therefore, the petitioners submitted a representation dated 03.01.2014 seeking to extend the said benefit to them as well. Finding no response on the same, they have come up with this writ petition for the aforesaid relief.

3. Upon notice, the respondents filed a detailed counter affidavit, wherein it is inter alia stated that the claim of the petitioners is based on equal qualification, which itself would not entitle them to get equal pay scale; and the pay scales are decided on the duties discharged and responsibilities attached to the post; and hence, the Secondary Grade Teachers working in High and Higher Secondary Schools cannot claim equality with Primary School Headmasters working in the Directorate of Elementary Education. Hence, the respondents sought for dismissal of this writ petition.



4.The averments so made in the counter affidavit have been refuted by the learned counsel for the petitioners. According to him, the petitioners are entitled for the benefit conferred in G.O.Ms.No.216 Finance (Pay Cell) Department, Dated 22.03.1993.

WEB COPY

5.On the other hand, the learned Additional Government Pleader appearing for the respondents fairly submitted that the respondent authorities would consider the representation of the petitioners dated 03.01.2014 and pass orders, on merits and in accordance with law, within a reasonable time to be fixed by this Court.

6.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the respondent authorities to consider the representation of the petitioners dated 03.01.2014, 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.

7.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary to Government.
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education.
College Road, Nungambakkam, Chennai - 600 006.
3. The Chief Educational Offficer,
Villupuram, Villupuram District.
4. The Chief Educational Officer,
Vellore, Vellore District.



5. The Chief Educational Officer,
Tiruvallur, Tiruvallur District.

6. The Chief Educational Officer,
Dharmapuri, Dharmapuri District.

7. The Chief Educational Officer,
Salem, Salem District.

8. The Chief Educational Officer,
Namakka, Namakkal District.

9. The Chief Educational Officer,
Krishnagiri, Krishnagiri District.

10. The Chief Educational Officer,
Tiruppur, Tiruppur District.

11. The Chief Educational Officer,
Trichy, Trichy District.

12. The Corporation Educational Officer,
Chennai Corporation, Chennai.

+2ccs to Mr.V.Thirupathi, Advocate, S.R.No.3924

+1cc to the Government Pleader, S.R.No.4347

W.P.No.25565 of 2014

PP(CO)
SU(13/08/2021)