



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.M.P (MD) Nos.12251 and 12252 of 2020

in

Rev.Aplw(MD).SR.Nos.38212 and 38215 of 2020

1.The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai 600 009.

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

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

4.The Assistant Elementary Educational Officer,
Santhankulam,
Tuticorin District.

... Petitioners/ Review Petitioners
in both petitions

Vs.

1. S.Pushpam,

... 1st Respondent / 1st Respondent
in W.M.P. (MD)No.12251 of 2020

1. K.Selwyn Thomas,

... 1st Respondent / 1st Respondent
in W.M.P. (MD)No.12252 of 2020

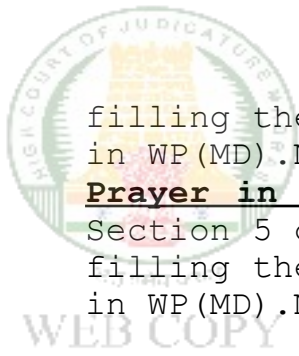
2.The Correspondent
Sacred Heart Primary School,
Arulandhapuram,
Sathankulam Union,
Tuticorin District .

... 2nd Respondent/2nd Respondent
in W.M.P. (MD)No.12251 of 2020

2.The Correspondent,
TNDTA Primary School,
Arulandhapuram,
Sathankulam Union,
Tuticorin District.

... 2nd Respondent/2nd Respondent
in W.M.P. (MD)No.12252 of 2020

Prayer in W.M.P (MD) .No.12251 of 2020: This petition is filed under
Section 5 of the Limitation Act, to condone the delay of 881 days in



filling the above Review filed as against the order dated 19.03.2018 in WP(MD).No.6575 of 2014 on the file of this Court.

Prayer in W.M.P(MD).No.12252 of 2020: This petition is filed under Section 5 of the Limitation Act, to condone the delay of 901 days in filling the above Review filed as against the order dated 19.03.2018 in WP(MD).No.7020 of 2014 on the file of this Court.

Prayer in Rev.Aplw(MD).SR.No.38212 of 2020: Review Application is filed under Order 47 Rule 1 and 2 r/w. Section 114 of the Code of Civil Procedure, to set aside the order, dated 19.03.2018, in W.P. (MD)No. 6575 of 2014 and allow the Petition.

Prayer in Rev.Aplw(MD).SR.No.38215 of 2020: Review Application is filed under Order 47 Rule 1 and 2 r/w. Section 114 of the Code of Civil Procedure, to set aside the order, dated 19.03.2018, in W.P. (MD)No. 7020 of 2014 and allow the Petition.

Prayer in WP(MD). 6575 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a 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 (15.03.1982 to 12.04.2005) and Primary School Headmaster (from 13.04.2005 onwards) and pass such further or other orders.

Prayer in WP(MD). 7020 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a 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 schol Headmaster by reckoning and computing the petitioner s service rendered in the cadres of Secondary Grade Teacher (5.6.1985 to 3.6.2002) and Primary School Headmistress (from 4.6.2002 onwards).

(In both petitions)

For Petitioners : Mr.A.K.Manickam

Government Counsel

For Respondents : Mr.Ajith Geethan

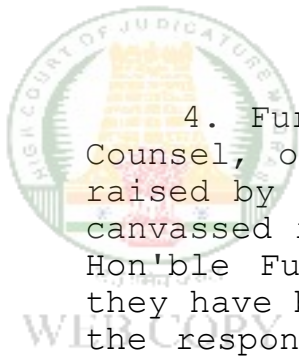
COMMON ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.A.K.Manickam, the learned Government Counsel for the petitioners and Mr.Ajith Geethan, learned counsel for the respondents.

2.These Petitions have been filed to condone the delay of 881 days and 901 days respectively, in filing the Review Applications.

3.On perusal of the affidavits filed in support of the condone delay petitions, we find that absolutely there is no satisfactory explanation given for the inordinate delay.



4. Further more, we have briefly heard the learned Government Counsel, on the merits of the matter and we find that the grounds raised by the review petitioners in these review petitions were not canvassed in the writ petitions. That apart, in the decision of the Hon'ble Full Bench, several Aided School Teachers are parties and they have been granted benefits. That apart, the learned counsel for the respondents / writ petitioners has also pointed out that G.O. (Ms).No.1381, Education Department, dated 05.10.1990, does not make any distinction with regard to the award of Selection Grade and Special Grade to Head Masters of Primary Schools and it covers such Head Masters under all Management. Therefore, we decline to excise the discretion in the matter and dismiss these petitions. Consequently, the Review Applications are rejected at the S.R. Stage itself. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls/akv

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 Secretary, State of Tamil Nadu,
Department of School Education,
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- 2.The Director of Elementary Education,
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- 3.The District Elementary Educational Officer,
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- 4.The Assistant Elementary Educational Officer,
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+1 CC to M/s.SPL GP (SR-22329[F] dated 13/07/2021)

W.M.P(MD)Nos.12251 and 12252 of 2020

in

Rev.Aplw(MD) .SR.Nos.38212 and 38215 of 2020

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