



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.16321 of 2019

T.Chandrika Arulrani

... Petitioner

-vs-

1.The Joint Director of Elementary Education
(Aided Schools)
DPI Campus
College Road
Chennai-600 006

2.The District Educational Officer
Tirunelveli, Tirunelveli District

... Respondents

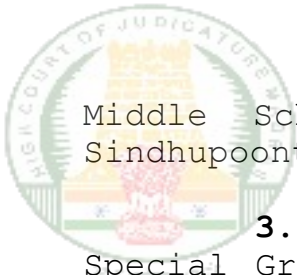
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to grant to the petitioner with selection grade in the post of Elementary School Head Mistress with effect from 07.06.2014 acting upon the proceedings of the first respondent bearing Oo.Mu.No.015881/G1/18, dated 15.10.2018 with consequential revision of pensioner benefits.

For Petitioner : Mrs.L.Victoria Gowri
For Respondents : Mr.A.K.Manikkam
Government Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the second respondent to grant Special Grade to the petitioner in the post of Elementary School Headmistress with effect from 07.06.2014 based on the proceedings of the first respondent dated 15.10.2018 with consequential revision of pensionary benefits.

2.According to the petitioner, on 01.07.1989, she was appointed as Elementary School Teacher in TDTA Primary School, Pillaikulam, Nanguneri Range and on 07.06.1994, she was promoted as Elementary School Headmistress and transferred to TDTA Primary School, Kalunkadi, Kallakadu Range. The petitioner was awarded selection grade, with effect from 08.06.2004, on completion of ten years of service in the post of Elementary School Headmistress. Thereafter, on 01.07.2004, the petitioner was transferred to TDTA Primary School at Thuvaraikulam, Kallakadu Range and on 07.09.2004, she was transferred to TDTA Primary School at Ponnakudi, Kallakadu Range. Subsequently, on 06.06.2014, the petitioner was promoted as



Middle School Headmistress and posted in STC Middle School, Sindhupoonthurai, Tirunelveli Urban Range.

3.Further, according to the petitioner, she is entitled to Special Grade on completion of 20 years of service in the post of Elementary School Headmistress as on 06.06.2014, however, since she was promoted as Middle School Headmistress on 06.06.2014, there was a shortage of one day for completing ten years of service in the post of Elementary School Headmistress. In such circumstances, based on G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013, the petitioner made a representation to the respondents on 10.07.2018 seeking Special Grade with effect from 07.06.2014. Since the respondents have not passed any orders on the representation submitted by the petitioner, she has filed the present writ petition.

4.The learned Government Counsel appearing for the respondents submitted that for awarding Special Grade, the Government Servant has to complete twenty years of service in the same post and since the petitioner has not completed the requisite period of twenty years of service in the post of Elementary School Headmistress, she is not entitled for Special Grade. However, with regard to relaxation in such matters, it has to be considered only by the Secretary to Government / Director of Elementary School Education. Therefore, the petitioner may be directed to submit application afresh to the Secretary to Government through Director of Elementary School Education indicating her grievances.

5.In view of the above facts and circumstances of the case and also the submissions of the learned Government Advocate, the petitioner is directed to make an application afresh to the Secretary to Government, Education Department, through the Director of Elementary School Education, indicating her grievances. If any such application is made, the Secretary to Government, Education Department, is directed to consider the same on merits and in accordance with law, as expeditiously as possible.

6.With the above directions, the writ petition is disposed of. No costs.

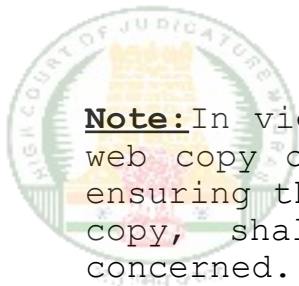
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To:

1.The Joint Director of Elementary Education,
(Aided Schools),
DPI Campus,
College Road,
Chennai-600 006.

2.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.GP (SR-28045[F] dated 03/09/2021)

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RS (15.09.2021) 3P 4C