



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

C.M.P. [MD]Nos.8928, 8930, 8932 and 8933 of 2019

in

Rev.Aplc.[MD]Nos.SR60881, to SR60884 of 2019

C.M.P. [MD]No.8928 of 2019

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.
 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,
Tiruchendur Union,
Tuticorin District. ... Petitioners / Review Applicants/
Appellant
- Vs.
- 1.A.AliceKanagabi ... 1st Respondent / Petitioner /
Petitioner
 2. The Correspondent,
TNDTA Middle School,
Subramaniapuram,
Arumuganeri,
Tuticorin District. ... 2nd Respondent / Respondent /
2nd Respondent

PRAYER in C.M.P.[MD]No.8928 of 2019: Petition filed under Section 5 of Limitation Act, praying to condone the delay of 370 days in filing Review Application.

PRAYER in Rev.Aplc[MD]No. SR60881 of 2019: Review Application filed under Order 47, Rule 1 read with Section 114 of the Code of Civil Procedure, to review the order of this Court, dated 19.03.2018 passed in W.A.(MD)No.1380 of 2014 on the file of this Court.



Prayer in WA(MD). 1380/ 2014 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 25.03.2014 in W.P.No.1650 of 2014.

Prayer in WP(MD). 1650/ 2014 :

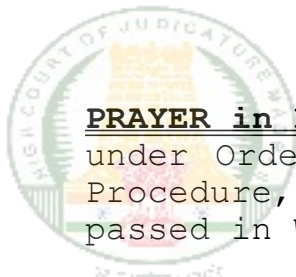
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to sanction and award forthwith Selection Grade and Special Grade to the petitioner in the post of Primary School Headmaster by reckoning and computing the Petitioner's service rendered in the cadres of Secondary Grade Teacher (19.10.1973 to 17.03.1994) and Primary School Headmaster (from 18.03.1994 onwards) and pass such further or other orders.

C.M.P. [MD]No.8930 of 2019

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.
 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,
Tiruchendur Union,
Tuticorin District.
- ... Petitioners / Review Applicants/
Appellant
Vs.

- 1.S.Srimathy ... 1st Respondent / Petitioner /
Petitioner
2. The Secretary,
Arulneri Hindu Primary School,
Thirumaliyappapuram,
Sonakanvilai Post,
Tuticorin District. ... 2nd Respondent / Respondent /
2nd Respondent

PRAYER in C.M.P. [MD]No.8930 of 2019: Petition filed under Section 5 of Limitation Act, praying to condone the delay of 370 days in filing Review Application.



PRAYER in Rev.Aplc[MD]No. SR60882 of 2019: Review Application filed under Order 47, Rule 1 read with Section 114 of the Code of Civil Procedure, to review the order of this Court, dated 19.03.2018 passed in W.A.(MD)No.1382 of 2014 on the file of this Court.

Prayer in WA(MD). 1382/ 2014 :

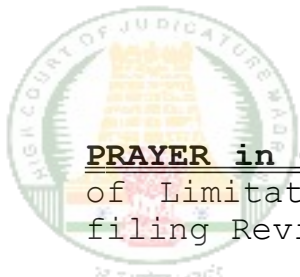
Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 25.03.2014 in W.P.No.1652 of 2014.

Prayer in WP(MD). 1652/ 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 (03.07.1978 to 31.07.2005) and Primary School Headmaster (from 01.08.2005 onwards) and pass such further or other orders.

C.M.P. [MD]No.8932 of 2019

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.
 2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
 3. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
 4. The Additional Assistant Elementary Educational Officer,
Srivaikundam Union,
Tuticorin District.
 5. The Assistant Elementary Educational Officer,
Srivaikundam Union,
Tuticorin District.
- ... Petitioners / Review Applicants/
Appellant
Vs.
- 1.V.Vedamuthu
 2. The Correspondent,
TDTA Primary School,
Panaivilai, Srivaikundam Union,
Tuticorin District.
- ... 1st Respondent / Petitioner /
Petitioner
... 2nd Respondent / Respondent /
2nd Respondent



PRAYER in C.M.P. [MD]No. 8932 of 2019: Petition filed under Section 5 of Limitation Act, praying to condone the delay of 370 days in filing Review Application.

PRAYER in Rev.Aplc[MD]No. SR60883 of 2019: Review Application filed under Order 47, Rule 1 read with Section 114 of the Code of Civil Procedure, to review the order of this Court, dated 19.03.2018 passed in W.A. (MD)No.1325 of 2016 on the file of this Court.

Prayer in WA(MD) . 1325/ 2016 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 15.12.2015 in W.P. (MD)No.22501 of 2015.

Prayer in WP(MD) . 22501/ 2015 :

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 petitioners service rendered in the cadre of Secondary Grade teacher from 01.01.1971 to 31.05.1988 on par with the similarly place persons for whom such benefits have been sanctioned under G.O.Ms.No.234(School Education (G2) Department) dt.10.09.2009.

C.M.P. [MD]No. 8933 of 2019

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.
 2. The Director of Elementary Education,
College Road, Chennai - 600 006.
 3. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
 4. The Additional Assistant Elementary Educational Officer,
Srivaikundam Union, Tuticorin District.
 5. The Assistant Elementary Educational Officer,
Srivaikundam Union,
Tuticorin District.
- ... Petitioners / Review Applicants/
Appellant Petitioners
- Vs.
- 1.K.Sagayam
- ... 1st Respondent / Petitioner /
Petitioner



2. The Correspondent,
TDTA Middle School,
Eral, Srivaikundam Union,
Tuticorin District.

... 2nd Respondent / Respondent /
2nd Respondent

PRAYER in C.M.P. [MD]No.8933 of 2019: Petition filed under Section 5 of Limitation Act, praying to condone the delay of 370 days in filing Review Application.

PRAYER in Rev.Aplc[MD]No. SR60884 of 2019: Review Application filed under Order 47, Rule 1 read with Section 114 of the Code of Civil Procedure, to review the order of this Court, dated 19.03.2018 passed in W.A.(MD)No.1326 of 2016 on the file of this Court.

Prayer in WA(MD). 1326/ 2016 :

Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 15.12.2015 in W.P.(MD)No.22502 of 2015.

Prayer in WP(MD). 22502/ 2015 :

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 petitioners service rendered in the cadre of Secondary Grade teacher from 01.01.1971 to 31.05.1988 on par with the similarly place persons for whom such benefits have been sanctioned under G.O.Ms.No.234(School Education (G2) Department) dt.10.09.2009.

(In all Petitions)

For Petitioners : Mr.A.K.Manickam

Standing Counsel for Government

For R1 : 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 first respondent.

2.These Petitions have been filed to condone the delay of 370 days in filing the Review Applications.

3.On perusal of the affidavits filed in support of the condone delay petitions, we find that there is absolutely 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. Accordingly, these Miscellaneous Petitions are dismissed. Consequently, the connected Rev.Aplc.[MD]Nos.SR60881 to SR60884 of 2019 are rejected at the S.R. stage itself. No costs.

Sd/-

Assistant Registrar (CS II)

// 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 to Government
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 9.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Tuticorin,
Tuticorin District.
4. The Additional Assistant Elementary Educational Officer,
Srivaikundam Union,
Tuticorin District.



5. The Assistant Elementary Educational Officer,
Tiruchendur Union,
Tuticorin District.

6. The Assistant Elementary Educational Officer,
Srivaikundam Union,
Tuticorin District.

+1CC Special Govt. Pleader (SR-22320/2021)

C.M.P. [MD]Nos. 8928, 8930, 8932
and 8933 of 2019

in
Rev. Applc. [MD]Nos. SR60881 to SR60884 of 2019
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RC (20.07.2021) 6P-8C