



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.11.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.13630 of 2018

WEB COPY

1.S.Rajagopal

2.C.Sethuramaiah

3.Mrs.C.Gnanaguru

4.I.Ganapathy

5.A.T.P.Subbaiah

... Petitioners

vs.

1.The State of Tami Nadu

represented by its Secretary to the Government,
Department of School Education,
Fort St. George,
Chennai -9.

2.The Director of Elementary Education,
College Road,
Chennai -6.

3.The District Elementary Educational Officer,
Virudhunagar District.

4.The Assistant Elementary Educational Officer,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to fix the scale of pay to the petitioners counting entire length of service as a Elementary School Head Master for selection grade and special grade with all consequential monetary benefits and consider the claim of the petitioners by extending the benefits of G.O.Ms.No.234, School Education Department, dated 10.09.2009, based upon the representation of the petitioners, dated 17.06.2017.

For Petitioners

: Mr.K.K.Kannan

For Respondents

: Mr.A.K.Manikkam

Special Government Pleader

O R D E R

The prayer in this writ petition is liable to be accepted and a Mandamus is issued as prayed for, in light of the submission of Mr.A.K.Manikkam, learned Special Government Pleader for the State who brings to my notice, a decision of the Full Bench of this Court in the case of *The Government of Tamil Nadu represented by the*



Secretary, School Education Department and others vs. G.Eswaran and others reported in [(2017) 2 MLJ 257].

2. The question considered and resolved by the Full Bench related to service benefits to be granted to teachers in Government High and Higher Secondary Schools under the State School Education Department. In terms of G.O.(Ms.).No.216, Finance (PC) Department, dated 22.03.1993, the Full Bench had accepted their entitlement and states so at paragraph No.38 of the decision.

3. Thereafter, a distinction was sought to be made by the State with regard to the same entitlements in the case of Teachers coming under the Elementary Education Department covered by G.O.(Ms). No.234, Department of School Education (G2), dated 10.10.2009. This distinction came to be raised and rejected in a batch of Writ Petitions, Writ Appeals and Review Applications decided by the Division Bench of this Court, in light of the decision of the Full Bench, by its order dated 19.03.2018.

4. The Division Bench noted the distinction at paragraph 7 and held at paragraph 8 that the benefit of G.O.(Ms.).No.216 would be fully available to the Teachers falling under the Elementary Education Department as well and to this extent, there would be no difference in the application of G.O.(Ms.).Nos.216 and 234.

5. Paragraphs 7 and 8 are extracted below:

"7. As pointed out earlier, the only destination between the facts of the case considered by the Hon'ble Full Bench and facts before us is that those cases pertain to Government Teachers of High and Higher Secondary Schools which come under School Education Department whereas the case before us pertains to the Elementary Education Department and the Government Order, which were considered by Hon'ble Full Bench in G.O.Ms.No.216 and the Government Order, which has been considered by us is G.O.Ms.No.234. Except for such destination, no other distinction can be pointed out.

8. Accordingly, we dispose of review application, writ appeals and writ petitions, in the light of the decision of the Hon'ble Full Bench, in the case of G.Eswaran, this Court directed the Government to expedite the process of calculation and fixation of pension and family pension which shall be completed as expeditiously as possible preferably six months from the date of receipt of copy of this order. It is made clear that this decision is applicable to the cases before us and in the case of the teachers, whose cases included in this batch, have already received revised monetary benefit / pension, the same shall not be altered. No costs. Consequently, connected miscellaneous petitions are closed."



6. In light of the aforesaid decision, a direction is issued to the District Elementary Educational Officer / R3 to compute the benefits payable to the petitioners and pay over the same within a period of sixteen weeks from the date of uploading of the copy of this order in the official website of this Court. This Writ Petition is disposed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 the Government,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai -9.
- 2.The Director of Elementary Education,
College Road, Chennai -6.
- 3.The District Elementary Educational Officer,
Virudhunagar District.
- 4.The Assistant Elementary Educational Officer,
Rajapalayam Taluk, Virudhunagar District.

+1 CC to M/s.K.K. KANNAN, Advocate (SR-35396[F] dated 22/11/2021)

+1 CC to M/s.SPL GP (SR-35322[F] dated 22/11/2021)

ORDER MADE IN
W.P. (MD) .No.13630 of 2018
19.11.2021

PS (CO)

MGJ(31.12.2021) 3P 7C