



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7062 of 2014

M.Jayaraman

...Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009.

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

...Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus calling for the proceedings of the 1st respondent made in letter No.(1D) No.419/G1/2012-1 dated 10.12.2012 and quash the same consequently directing the respondents herein to award selection grade/special grade of pay in the post of Middle School Head Master by taking into account the service rendered by the petitioner in the post of Secondary Grade Assistant as given to 65 persons in G.O.Ms.No.210 School Education Department dated 14.08.2009.

For Petitioner : Mr.R.Marimuthu
for Mr.S.Thirumavalavan

For Respondent : Mr.M.Bindran
Nos. 1& 2 Additional Government Pleader

O R D E R

The order dated 10.12.2012 rejecting the claim of the writ petitioner for grant of selection grade and special grade in the post of Middle School Headmaster as per G.O.Ms.No.210, School Education Department, dated 14.08.2009 is under challenge in the present writ petition.

2.The writ petitioner was appointed as Secondary Grade Teacher in Panchayat Union Elementary School on 06.07.1968. He was promoted as Elementary School Headmaster and further, promoted to the post of Middle School Headmaster on 15.07.1980. The petitioner states that he reached the age of superannuation



and retired from service on 31.03.2004.

3.The grievance of the writ petitioner is that the benefit of selection grade and special grade were not awarded to him in the cadre of Middle School Headmaster and that the said benefits were granted to the other similarly placed persons in G.O.Ms.No.210, School Education Department, dated 14.08.2009. The claim of the writ petitioner was examined by the respondents authorities and they have arrived at a decision that the petitioner is not eligible for selection grade and special grade in the post of Middle School Headmaster as he was not holding the post of Middle School Headmaster as on 01.06.1988. The fact remains that the petitioner was promoted to the post of Middle School Headmaster on 11.01.1986 and retired from service on 31.03.2004.The benefit was granted in respect of the Middle School Headmasters, who retired from service on or before 30.09.1994. The benefit of calculating the earlier period was extended in respect of those Headmasters, who retired prior to 30.09.1994 and in the case of the writ petitioner, he reached the age of superannuation on 31.03.2004 and therefore, he is not entitled for the benefit of G.O.Ms.No.210.

4.The dispute arose with reference to calculating the earlier service rendered by these Teachers. Prior to 01.06.1988, the post of Middle School Headmaster and the Secondary Grade Teachers were identical, carrying same scale of pay. In the case of the writ petitioner, he was granted with all other benefits as he served till 31.03.2004. The benefit of grant of selection grade and special grade was granted in respect of the Middle School Headmasters, who retired prior to 30.09.1994 and therefore, there is no infirmity in respect of the decision taken by the respondents. This apart, the petitioner retired on 31.03.2004 and submitted an application only on 29.11.2010, after a lapse of about 6 years from the date of retirement and the impugned order has been passed in the year 2012 and the writ petition is filed in the year 2014 at the age of 63 years. This being the factum, the benefit of selection grade and special grade at this length of time cannot be granted to the writ petitioner.

5.With these observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sms/sli



To

1. The Secretary to Government
School Education Department
Fort St.George, Chennai-600 009.

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

+1cc to Mr.S.Thirumavalavan, Advocate, S.R.No.34542

+1cc to the Government Pleader, High Court, Madras S.R.No.34583

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BR(CO)
RGA(20/06/2022)