



W.P.No.30232 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.30232 of 2014

1. M.Azhagappan
2. S.Ramakrishnan
3. N.Kannan
4. V.Natarajan
5. V.Kirusnamoorthi
6. A.Thirunavukkarasu
7. Duri Belinmery
8. R.Rajalakshmi
9. N.Gowri
10. R.Vishalatchi
11. L.Vimala
12. V.Rathinasamy
13. P.Swaminathan
14. M.S.Deivasigamani
15. S.Karunakar Tamilazhagan
16. S.Saravanan
17. S.Ferkmans
18. Sengamalam
19. J.Ramagopalan
20. R.Parthasarathy
21. M.Ganesan

... Petitioners

-Vs-

1. The State of Tamilnadu,
Rep by The Secretary to Government,
School Education Department,
Fort St. George, Chennai 9.



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2. The Director of Elementary Educational Officer,
College Road, Nungambakkam, Chennai-6.

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

4. The District Elementary Educational Officer,
Thanjavur, Thanjavur District.

5. The Assistant Elementary Educational Officer,
Keezhaiyur, Nagapattinam District.

6. The Assistant Elementary Educational Officer,
Thiruvidaimarudur, Thanjavur District.

7. The Assistant Elementary Educational Officer,
Papanasam, Thanjavur District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to extend the benefit of the G.O.Ms.No.234 School Education (G2) Department dated 10.9.2009 in so far as the petitioners are concerned and accordingly to award Selection Grade/ Special Grade Scale of Pay in the Post of Elementary School Headmaster by taking count of their lower cadre Secondary Grade Assistant service as was given to 63 persons is concerned.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.S.Prabhakaran
Government Advocate.

ORDER

The issues raised in this writ petition regarding the Government Order passed in G.O.Ms.No.234, School Education (G2) Department dated 10.09.2009, is no more *res integra*. The Division Bench of this



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Court passed an order on 25.06.2018 in W.A.Nos.429 to 438 of 2018 as

under:

"4. We have also heard the learned Government Advocate appearing for the respondents and perused the order the learned Single Judge in the light of the judgment of the Supreme Court in State of UP v. Arvind Kumar Srivastava ((2015) 1 SCC 347), wherein it has been held as under:-

"Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim."

5. In the instant case, some people, who felt aggrieved by the G.O., have filed the Original Application in the year 1993 before the Tamil Nadu Administrative Tribunal and the same was allowed. Thereafter, it appears that these petitioners approached this court after lapse of 25 years and hence, the ratio laid down by this court for extending similar benefits to the similarly placed persons is hit by laches and the view taken by the Division Bench in W.A.No.312 to 318 of 2011. The order passed by the learned Single Judge does not warrant any modification as it does not suffer from any illegality or infirmity. In that view of the matter, all the above writ appeals are dismissed. No costs. The connected miscellaneous petitions are closed."



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2. The judgment of the Division Bench was taken by way of an appeal before the Hon'ble Supreme Court of India in SLP (Civil) Diary No.5529 of 2019, which was dismissed. Consequently, the present writ petition also stands dismissed. No Costs.

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Index: Yes/No
Speaking/Non-speaking order.
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S.M.SUBRAMANIAM, J.

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