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W.P.Nos.31344, 31347, 31356 & 31359 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.31344, 31347, 31356 & 31359 of 2022

D. Santhi	.. <i>Petitioner in WP.No.31344/2022</i>
S. Indhumathi	.. <i>Petitioner in WP.No.31347/2022</i>
K. Indiragandhi	.. <i>Petitioner in WP.No.31356/2022</i>
K. Selvi	.. <i>Petitioner in WP.No.31359/2022</i>

Vs.

- 1.Government of Tamil Nadu,
Rep. by Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.
- 2.The Joint Director of School Education (Personnel),
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.
.. *Respondents in all WPs*
- 4.The Head Master,
Government Girls Higher Secondary School,
Papparapatti, Pennagaram,
Dharmapuri District.
.. *Respondent in WP.No.31344/2022*



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4.The Head Master,
Athiyaman Government Higher Secondary School,
Dharmapuri District. .. 4th Respondent in WP.No.31347/2022

4.The Head Master,
Government Girls Higher Secondary School,
Papparapatti,
Dharmapuri District. .. 4th Respondent in WP.No.31356/2022

4.The Head Master,
T.S.S. Government Boys Higher Secondary School,
Papparapatti, Pennagram,
Dharmapuri District. .. 4th Respondent in WP.No.31359/2022

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to consider and pass orders on the petitioners' representation dated 10.02.2020 in regard to award of selection grade/special grade in the promotional post of B.T. Assistant in the light of the G.O.Ms.No.210 P&AR (Per.S) Department dated 11.03.1987 and G.O.Ms.No.212 School Education (S2) Department dated 07.08.2000 within stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.V. Thirupathi

For Respondents : Mr.C. Sathish,
Government Advocate

COMMON ORDER

These Writ Petitions have been filed for a mandamus seeking for a direction to the respondents to consider and pass final orders on the



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petitioners' representations dated 10.02.2020 requesting for the award of Selection Grade/Special Grade in the promotional post of B.T. Assistant in the light of G.O.Ms.No.210 P&AR (Per.S) Department dated 11.03.1987 and G.O.Ms.No.212 School Education (S2) Department dated 07.08.2000, within a time frame to be fixed by this Court.

2. Heard the learned counsel for the petitioners. Mr.C. Sathish, learned Government Advocate, accepts notice on behalf of the respondents. By consent of all the parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

3. According to the petitioners, they were initially appointed as Secondary Grade Teacher on 29.10.1991, 18.12.1989, 18.12.1989 and 18.12.1989 respectively, and was awarded Selection Grade with effect from 29.01.2001, 19.12.1999, 18.12.1999 and 18.12.1999 respectively. The petitioners were promoted as B.T. Assistant on 02.09.2008, 09.07.2009, 07.07.2009 and 23.02.2005 respectively and was awarded ordinary grade scale of pay in the post of B.T. Assistant on 02.09.2008, 09.07.2009, 07.07.2009 and 23.02.2005 respectively.



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4. According to the petitioners, the Government issued G.O.Ms.No.212, School Education (S2) Department dated 07.08.2000, which reads as follows:

“Services in the Selection Grade of the lower post shall be counted for the Selection Grade in the promoted post provided that the selection Grade of the lower post is identical to the ordinary Grade of the higher post and that the concession be allowed only at the first promotion level. The Government also direct that the service rendered in the lower post shall be counted along with the services in the promotion post for the purpose of awarding selection grade in the promotion post.”

5. According to the petitioners, they are eligible to get Selection Grade in the promotion post with effect from 02.09.2008, 09.07.2009, 07.07.2009 and 23.02.2005 respectively, since the scale of pay in the ordinary grade of promotion post of B.T. Assistant is identical to that of the Selection Grade scale for the post of Secondary Grade Teacher.

6. The petitioners have given representations to the respondents on 10.02.2020, requesting to award Selection Grade in the post of B.T.



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Assistant from 02.09.2008, 09.07.2009, 07.07.2009 and 23.02.2005 respectively and Special Grade by counting the services rendered in the promotional post. Since their representations are not considered till date, they have filed these Writ Petitions.

7. The petitioners have filed the documents/Government orders in support of their case along with the Writ Petitions. It is for the respondents to consider the same on merits and in accordance with law and decide as to whether the same is applicable to the petitioners or not.

8. No prejudice will be caused to the respondents if the petitioners' representations dated 10.02.2020, are considered on merits and in accordance with law, within a time frame to be fixed by this Court.

9. For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioners' representations dated 10.02.2020, requesting to award Selection Grade in their favour in the post of B.T. Assistant from 02.09.2008, 09.07.2009, 07.07.2009 and 23.02.2005 respectively and with Special Grade by counting the services rendered by



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them in the promotional post, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

10. Accordingly, these Writ Petitions stand disposed of. No costs.

24.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

1. Secretary to Government of Tamil Nadu,
School Education Department,
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2. The Joint Director of School Education (Personnel),
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ABDUL QUDDHOSE,J.

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