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W.P.No.31354 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.No.31354 of 2022

P. Umarani

.. Petitioner

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.

4.The Head Master,
Government High School,
Alamarathupatti,
Dharmapuri District.

.. Respondents

Prayer: Writ Petition 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 petitioner's representation dated 10.02.2020



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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

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to consider and pass final orders on the petitioner's representation 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 petitioner. Mr.C. Sathish, learned Government Advocate, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final



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disposal at the admission stage itself.

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3. According to the petitioner, she was initially appointed as Secondary Grade Teacher on 29.01.1991 and was awarded Selection Grade with effect from 01.09.2002. The petitioner was promoted as Elementary School Headmaster on 12.04.2007 and was further promoted as B.T. Assistant on 21.09.2011 and was awarded ordinary grade scale of pay in the post of B.T. Assistant on 17.12.2011.

4. According to the petitioner, 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.”



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5. According to the petitioner, she is eligible to get Selection Grade in the promotion post with effect from 17.12.2011, 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 petitioner has given representation to the respondents on 10.02.2020, requesting to award Selection Grade in the post of B.T. Assistant from 17.12.2011 and Special Grade by counting the services rendered in the promotional post. Since her representation is not considered till date, she has filed this Writ Petition.

7. The petitioner has filed the documents/Government orders in support of her case along with this Writ Petition. 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 petitioner or not.

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



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9. For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's representation dated 10.02.2020, requesting to award Selection Grade in her favour in the post of B.T. Assistant from 17.12.2011 and with Special Grade by counting the services rendered by her 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, this Writ Petition stands disposed of. No costs.

24.11.2022

Speaking/Non-speaking order
Index: Yes/No
Internet: Yes/No

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ABDUL QUDDHOSE,J.

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To

- 1.Secretary to Government of Tamil Nadu,
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,
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