



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29651 of 2022

1.T.Ganesan

2.V.Draavidamani

... Petitioners

VS.

1.The State of Tamil Nadu,
Rep. by its Secretary, School Education (G1) Department,
Fort St. George, Chennai - 600 009.

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

3.The District Educational Officer,
Pudukottai, Pudukottai District.

4.The Block Educational Officer,
Gandarvakottai Union, Pudukottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents to extend the benefits as per G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009 and in the light of the order of the Division Bench of this Court in W.A.No.2793 of 2018 and confirmed by the Division bench of this Court in W.A.Nos.34 of 2019 dated 03.01.2019 and confirmed by the Division Bench in



W.A.Nos.73 of 2016 dated 26.03.2019 for the fixation of Selection/Special Grade scale of pay in the post of middle School Head Master by counting lower grade service in the post of Secondary Grade teacher.

For Petitioners : Mr.S.Patrick
For Respondents : Mr.S.Yashwanth,
Additional Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to extend the benefit of G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009 to the petitioners.

2. Mr.S.Yashwanth, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The first petitioner retired from service in the year 2002 and the second petitioner is the wife of the deceased employee R.Manivasagam who retired from service in the year 2006. According to them, similarly placed employees got the benefit of G.O.Ms.No.210, School Education (G1)



Department dated 14.08.2009. However, according to them, they have not got the benefit. The petitioners also rely upon the Division Bench Judgments of this Court passed in W.A.No.2793 of 2018 dated 02.01.2019, W.A.Nos.34 of 2017 etc., batch dated 03.01.2019 and W.A.Nos.73 of 2016 etc., batch dated 26.03.2019. According to them, pay fixation has not been done in accordance with the aforesaid judgments. In such circumstances, they have given separate representations both dated 20.09.2022 requesting the respondents to extend the benefit to them as per G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009. Since the representations have not been considered till date, they have filed this writ petition.

4. Heard S.Patrick, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondents.

5. At the outset, learned Additional Government Pleader appearing for the respondents would submit that G.O. which the petitioners rely upon is of the year 2009 and therefore, he would submit that at this stage, the question



of considering the petitioners' representations will not arise. However as seen from the aforementioned affidavit filed in support of this writ petition, the petitioners not only rely upon the G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009, but also rely upon the Judgments rendered by the Division Bench of this Court in W.A.No.2793 of 2018 dated 02.01.2019, W.A.Nos.34 of 2017 etc., batch dated 03.01.2019 and W.A.Nos.73 of 2016 etc., batch dated 26.03.2019.

6. In view of the same, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioners' representations as stated supra are considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the second respondent to pass final orders on the petitioners' representations both dated 20.09.2022 on merits and in accordance with law, requesting for extending the benefit of G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009 to them, within a period of twelve weeks from the date of receipt of a copy of this Order. While passing final orders, the second respondent shall take into



consideration the orders passed in W.A.No.2793 of 2018 dated 02.01.2019, W.A.Nos.34 of 2017 etc., batch dated 03.01.2019 and W.A.Nos.73 of 2016 etc., batch dated 26.03.2019. The petitioners are directed to send a copy of the aforementioned orders to the second respondent for effective implementation of this Order.

8. With the aforesaid directions, this writ petition is disposed of. No costs.

10.11.2022

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Index:Yes/No

Speaking/Non-speaking orders

To

1.The Secretary, School Education (G1) Department,
Fort St. George, Chennai - 600 009.

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

3.The District Educational Officer,
Pudukottai, Pudukottai District.

4.The Block Educational Officer,
Gandarvakottai Union, Pudukottai District.

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ABDUL QUDDHOSE, J.

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