



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.19443 of 2013

WEB COPY

K.Muniyammal

... Petitioner

vs

1.The District Elementary Educational Officer,
Dindigul District, Dindigul.

2.The Assistant Elementary Educational Officer,
Ottanchathram, Dindigul District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the second respondent in Na.Ka.No.233/A1/2009 dated 14.08.2012 and first respondent proceedings in O.Mu.No.4242/Aa2/2012 dated 20.11.2012 and quash the same and consequently, directing the first respondent to provide the Selection Grade Pay in the Primary School Headmaster post to the petitioner at par with junior and provide all other benefits to the petitioner.

For Petitioner : Mr.S.Karthik
For Respondents : Mr.N.GA.Natraj
Government Advocate

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings, dated 14.08.2012 and first respondent proceedings, dated 20.11.2012 and consequently, directing the first respondent to provide the Selection Grade Pay in the Primary School Headmaster post to the petitioner at par with junior and provide all other benefits to the petitioner.

2. The petitioner is qualified as B.A., B.Ed., (History) and was appointed as a Secondary Grade Teacher in Panchayat Union Middle School on 01.08.1986. The petitioner was regularized on 02.12.1987. The petitioner was granted Selection Grade on 01.10.1996. Subsequently, the petitioner was promoted as a Primary School Headmaster on 18.06.2001 and Middle School Headmaster on 28.06.2006. The petitioner attained superannuation in the year 2018.



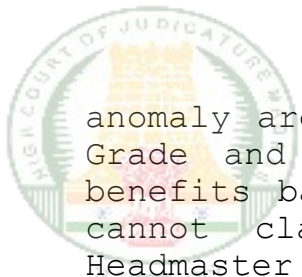
3. The brief facts of the case are that the petitioner was given Selection Grade in the Primary School Headmaster post on 25.02.2009, based on the recommendation of the Assistant Elementary Education Officer. The proposal was rejected by the District Elementary Education Officers stating that the petitioner is not entitled to selection grade in the post of Primary School Headmaster, since she has not completed 10 years in the Primary School Headmaster post. Aggrieved over the same, the petitioner has filed this writ petition.

4. The respondents have filed a counter stating that the petitioner is claiming the benefits under G.O.Ms.No.210, School Education Department which is not applicable to the petitioner. Since the said Government Order is applicable only to the 65 persons. Even in the subsequent G.O.Ms.No.190, School Education Department, dated 12.07.2010, the petitioner's name is not there. The respondents have conferred a Selection Grade in the post of Primary School Headmaster through proceedings dated 25.02.2009. Thereafter, it was found out that the petitioner has not completed 10 years in Primary School Headmaster post. Hence it was cancelled through proceedings, dated 14.08.2012, which is under challenge before this Court in the present writ petition.

5. Heard Mr.S.Karthik, learned Counsel appearing for the petitioner and Mr.N.GA.Natraj, learned Government Advocate appearing for the respondents.

6. The petitioner was appointed as Secondary Grade Teacher on 01.08.1986 and was granted Selection Grade in the post of Secondary Grade Teacher on 01.10.1996. The petitioner's eligibility for Special Grade would be on 01.08.2006, but the petitioner was promoted as a Primary School Headmaster on 18.06.2001 and therefore the petitioner is not eligible for Special Grade in the post of Secondary Grade Teacher. The petitioner's eligibility for Selection Grade in the post of Primary School Headmaster would be on 01.08.2011, but in the meanwhile the petitioner was promoted as Middle School Headmaster on 28.06.2006. The petitioner's eligibility for Selection Grade in the post of Middle School Headmaster would be on 01.08.2016 since the petitioner attained superannuation in the year 2018. It is not clear whether the petitioner was granted Selection Grade in the post of Middle School Headmaster. The petitioner is confused by claiming Selection Grade in the post of Primary School Headmaster post. The petitioner is wrongly invoking the G.O.Ms.No.210. The issue of eligibility of Selection Grade / Special Grade and Promotion is considered in detail by this Court in W.P. (MD) No. 3186 of 2016 and has held the Government servants are either eligible for Selection Grade / Special Grade or Promotion and they are not entitled to both.

7. The petitioner is claiming pay anomaly and comparing with his
<https://hcservicescourts.gov.in/user/Case/> Court is of the considered opinion that the said pay



anomaly arose because of the promotion and conferring of Selection Grade and Special Grade. Each individual is entitled to the benefits based on their year of service. Therefore, the petitioner cannot claim Selection Grade in the post of Primary School Headmaster post.

8. Hence, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The District Elementary Educational Officer,
Dindigul District, Dindigul.

2.The Assistant Elementary Educational Officer,
Ottanchathram, Dindigul District.

+1 CC to M/s.S.KARTHIK, Advocate (SR-6939[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7106[F] dated 18/02/2022)

Order made in

W.P. (MD) No.19443 of 2013

17.02.2022

SRR(CO)

GC(31.03.2022) 3P 5C