



W.P(MD)No.3640 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3640 of 2020

Kiruba Joseph

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by the Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai – 600 009.

2.The Director of Elementary Education,
College Road,
Chennai – 600 006.

3.The District Elementary Educational Officer,
Madurai.

4.The Commissioner,
Madurai Corporation,
Madurai.

5.The Educational Officer,
Madurai Corporation,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to extend and grant the petitioner the benefit of order dated 21.04.2008 of the



W.P(MD)No.3640 of 2020

Division Bench of the Madras High Court in W.A.No.233 of 2008 which was implemented by the Government in G.O.Ms.no.210 School Education (G1) Department, dated 14.08.2009 so as to award Special grade to the petitioner in the cadre of BT Grade Middle School Headmistress by reckoning her earlier entire service rendered in Elementary school Headmistress Carde and the present B.Ed Grade Middle School Headmistress service with effect from 01.06.1998 onwards in the Special Grade and fix the pay scale accordingly and to pay the said sum in its entirety forthwith.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.N.Sathees Kumar,
Addl. Government Pleader for R1 to R3.
Mr.T.S.Mohammed Mohideen for R4 & R5.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner joined the education department as Teacher on 17.06.1957. She acquired further degrees such as B.Ed. and M.A. and retired after completing 31 years of service on 31.05.1992 as B.T. Headmistress in Middle School in Munichalai, Madurai. She is now aged about 86 years. Her grievance is that similarly placed persons sought refixation of their pay and also succeeded before the Tamil Nadu Administrative Tribunal. The said order was also directed to be implemented in W.P.No.29624 of 2005. W.A.No.233 of



W.P(MD)No.3640 of 2020

2008 filed by the Director of Elementary Education, Chennai was dismissed by the Hon'ble Division Bench on 21.04.2008. To implement the said order, the Government also issued G.O.(Ms) No.210, Education (G1) Department, dated 14.08.2009. All that the petitioner wants is extension of the very same benefit.

3. There is no dispute that similarly placed individuals had obtained enhanced monetary benefits. However, I am not inclined to grant relief to the writ petitioner for the simple reason that her claim is hopelessly time barred. Similarly placed individuals numbering about 65 persons had moved the Tribunal wayback in the year 1997. The petitioner's name does not figure in G.O.(Ms) No.210, dated 14.08.2009. As already noted, the writ petitioner retired in the year 1992 itself. After a gap of 28 years, the petitioner has chosen to move this Court. The Hon'ble Apex Court has consistently discouraged entertaining of stale claims.

4. In this view of the matter, I am not inclined to grant relief to the writ petitioner and the writ petition stands dismissed. No costs.

09.11.2022

Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.3640 of 2020

G.R.SWAMINATHAN, J.

ias

To:

- 1.The Principal Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
Madurai.

W.P(MD)No.3640 of 2020

09.11.2022