



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 12878 of 2019

R. Michael Johnson

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli.

2. The District Educational Officer,
Tirunelveli District.

3. The Correspondent,
St. Xavier's Higher Secondary School,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.4997/A2/2018 dated 11.02.2019 and the consequential order passed by the second respondent in O.Mu.No.1300/A2/2019 dated 01.04.2019 and quash the same and direct the respondents to sanction special grade in the cadre of B.T. Assistant with effect from 16.06.2018 with all the consequential benefits.

For Petitioner : Mr.V. Panneer Selvam

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader for R1 and R2.

No appearance for R3.

O R D E R

The impugned order dated 11.02.2019 rejecting the claim of the writ petitioner for grant of special grade is under challenge in the present Writ Petition.

2. The petitioner was appointed as Secondary Grade Teacher at the third respondent School on 06.07.1995 and promoted to the post of B.T.Assistant on 16.06.1998. Thus, the selection grade was



granted to the petitioner to the post of B.T.Assistant with effect from 16.06.2008. Thus, the petitioner is due for special grade on 16.06.2018 on completion of 20 years of service in the post of B.T.Assistant.

3. The learned counsel appearing for the petitioner made a submission that the reason for rejection is that in the SR Book, the selection grade was entered into by the Authorities. However, such an endorsement made in the Service Record is not signed by the concerned District Educational Officer. In similar circumstances, the cases of other persons were considered.

4. This Court is of the considered opinion that because of the administrative mistake or error in not putting the signature in the Service Record of the petitioner, the petitioner cannot be penalised and the benefit of special grade cannot be denied on such ground. However, the eligibility of the petitioner is to be verified. But, in the present case, the impugned order states that the District Educational Officer has not signed the Service Record in respect of the entry made for Selection Grade.

5. Under these circumstances, the case of the writ petitioner is to be re-considered. Accordingly, the order impugned passed by the second respondent vide proceedings in Na.Ka.No.4997/A2/2018 dated 11.02.2019 and consequential order in O.Mu.No.1300/A2/2019 dated 01.04.2019 are quashed and the matter is remitted back for re-consideration. The case of the writ petitioner cannot be rejected merely on the ground that the District Educational Officer has mistakenly not signed the Service Record of the petitioner in respect of the selection grade granted with effect from 16.06.2008. However, it is made clear that the eligibility of the petitioner for special grade is to be independently considered with reference to the service particulars, which is to be verified once again if necessary and appropriate orders are to be passed afresh on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vji



To

1. The Chief Educational Officer,
Tirunelveli.

2. The District Educational Officer,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-9717[F] dated 03/03/2022)

**ORDER MADE IN
W.P. (MD) No. 12878 of 2019
02.03.2022**

PKP/22.03.2022/3P/4C