



W.P(MD)No.21926 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21926 of 2022

Annathayi

... Petitioner

Vs

- 1.The Secretary of Primary Education,
Education Department,
Govt. of Tamil Nadu,
Secretariat HRD, Fort St.George,
Chennai-600 009.
- 2.The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai-600 006.
3. The Director of Elementary Education,
DPI Campus, College Road,
Nungambakkam, Chennai-600 006.
- 4.The Principal Accountant General (A and E),
361 Anna Salai,
Thenampettai,
Chennai-600 018.
- 5.The Chief Education Officer,
Chief Education Office,
1, HAK Salai,
Thallakulam Post,
Madurai-625 002.



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6.District Educational Officer,
Melur District Educational Office,
Trichy Main Road, Melur-625 106.

7.Block Educational Officer,
Block Educational Office,
Aanaiyur Post,
Madurai-625 017.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents to refix the pay scale and revise the pension amount and release the same accrued with all other benefits within a time frame stipulated by this Court.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.S.Shaji Bino,
Spl. Govt.Pleader for R1 to R3 & R5 to R7.
Mr.P.Gunasekaran,
Standing Counsel for R4.

ORDER

Heard the learned counsel on either side.

2.The petitioner joined Education Department as Secondary Grade Teacher on 01.01.1971. She was given selection grade on 01.01.1981 and special grade on 01.01.1991. She became Primary School Headmaster on



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22.11.1994. She retired on 31.12.2006. She was granted selection grade in the post of Headmaster. The contention of the petitioner is that the service put in by her as Secondary Grade Teacher must also be included in her service as that of Headmaster and that her pay as well as pension must be refixed accordingly. She had given representation in this regard and since it was not considered, the present writ petition came to be filed.

3.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4.I am not however persuaded by the same. As rightly pointed out by the learned standing counsel for the fourth respondent, the issue on hand is squarely covered by the decision of the Hon'ble Full Bench reported in **(2017) 2 MLJ 257 (FB) (Government of Tamilnadu Vs. G.Eswaran)**. The Hon'ble Full Bench had summarized the facts in paragraph No.4, which reads as follows:-

“4.Aggrieved by the same, various Associations of Teachers have represented to the Government, seeking issue of necessary orders for restoration of the Selection Grade and Special Grade to the Head Masters of Primary Schools counting the total service rendered by them in the posts of Secondary Grade Teachers and Head Master of Primary School.”



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5. In the operative portion set out in paragraph No.38, it had been made clear that no fresh writ petition would be entertained on and from 09.12.2016 onwards. Bound by the aforesaid direction, I decline to entertain the writ petition and the writ petition stands dismissed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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