



WEB COPY

W.P.(MD)Nos.23932 to 23935 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY
W.P. (MD)Nos.23932 to 23935 of 2016

and
W.M.P. (MD)Nos.17267 to 17270 of 2016

W.P. (MD)No.23932 of 2016

M.Srividya ... Petitioner
vs

The Assistant Elementary Education Officer,
Karur Union, Karur District. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.208/A1/2016 dated 07.11.2016 of the respondent herein and quash the same.

W.P. (MD)No.23933 of 2016

P.Selvarasi ... Petitioner
vs

The Assistant Elementary Education Officer,
Karur Union, Karur District. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.208/A1/2016 dated 07.11.2016 of the respondent herein and quash the same.

W.P. (MD)No.23934 of 2016

S.Daisirani ... Petitioner
vs

The Assistant Elementary Education Officer,
Karur Union, Karur District. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.208/A1/2016 dated 07.11.2016 of the respondent herein and quash the same.



W.P. (MD) No.23935 of 2016

V.Kulandaiarasu

... Petitioner

vs

WEB COPY

The Assistant Elementary Education Officer,
Karur Union, Karur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.208/A1/2016 dated 07.11.2016 of the respondent herein and quash the same.

(In all cases)

For Petitioner : Mr.T.Pon Ramkumar

For Respondent : Mr.V.Omprakash
Government Advocate (Civil side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorari, to quash the impugned order dated 07.11.2016.

2. The brief facts of the case as stated in W.P.(MD)No.23932 of 2016 are that the petitioner was appointed as Secondary Grade Teacher on 01.02.1985 in Panchayat Union Elementary School. The petitioner has completed 10 years of service as Secondary Grade Teacher on 01.02.1995 and the respondents granted selection grade in the Secondary Grade Post on 03.06.2002. Thereafter, the petitioner was promoted as Elementary School Headmaster and thereafter, on 15.06.2009 the petitioner was promoted as BT Assistant. On 14.06.2010, he was promoted as Middle School Headmaster.

3. The contention of the petitioner is that the Government has issued G.O.Ms.No.210, Personnel and Administrative Reforms (S) Department, dated 11.03.1997, wherein the service of selection grade of the lower post shall be counted for selection grade in the promoted post provided that the selection grade scale of the lower post is identical to that of the ordinary grade of the higher post and the concession will be allowed only at the first level promotion. Likewise considering the "One Man Commission" report and the letter of the Secretary to Government has issued G.O.Ms.No.38 School Education (S2) Department, dated 05.03.2001 exclusively for teachers that if the selection grade scale pay of the lower post and the scale of pay of the promotional post is identical, selection grade of scale of pay in the cadre of promotional post can be given



counting the service rendered in selection grade in lower post. Based on the said Government Order on 09.11.2011, a selection grade pay was awarded in the cadre of Primary School Headmaster but the same was declined by the Audit department. The learned Counsel appearing for the respondent submitted that the same issue was considered by the Director of Elementary School Education in Na. Ka. No. 13944 / C2 / 2019, dated 21.11.2019, consequential to that, the District Elementary Educational Officer, Karur, has passed an order in Na.Ka.No.525/A2/2020, 05.12.2020, wherein it has been stated that the order passed is incorrect.

4. Recording the said submission, this Court is inclined to interfere in the impugned order, hence the impugned order is set aside. Since the Assistant Elementary Educational Officer alone is a party for these writ petitions, this Court, *Suo Motu*, impleading the Director of Elementary Education as a second respondent. The Director of Elementary Education is directed to consider the claim of the petitioners and pass a speaking order. If the petitioners are entitled to the benefits as stated in the communication, dated 21.11.2019, then the same shall be paid to the petitioners. If the petitioners are not entitled to, then the respondents shall pass a speaking order stating the reasons for not entitlement. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, all the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// 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

The Assistant Elementary Education Officer,
Karur Union, Karur District.

+4 CC to M/s.T. PON RAMKUMAR, Advocate (SR-22177[F] dated
28/04/2022)

+1 CC to M/s.SPL.GP (SR-23202[F] dated 02/05/2022)

W.P. (MD) Nos.23932 to 23935 of 2016
28.04.2022

MGJ(25.05.2022) 4P 7C