



W.P.No.7151 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

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1. G.Subramanian
2. S.Thangavelu
3. M.Kamatchi
4. M.Kalyanasundaram
5. V.Kandasamy
6. S.K.Sarawathi
7. A.Varadarajan
8. R.Kothai
9. M.Ramachandran
10. Late. N.Saroja
- 11.V.Nallusamy

/vs/

...

Petitioners

1. The Government of Tamil Nadu,
represented by the Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of Elementary Education,
Chennai – 600 006.
3. The Chief Educational Officer,
Karur, Karur District.
4. The District Educational Officer,
Karur, Karur District.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to consider the Petitioners' representation dated 21.01.2020 in the light of the orders passed by this Court in WP.38449 of 2006 dated 05.01.2010 and issue appropriate orders directing that the Petitioners should be awarded the Secondary Grade cadre pay scale and arrears of pay for the respective period of service rendered by them as Higher Grade Teachers by treating the said service as Secondary Grade Service and consequently direct the respondents to count the said period of service rendered by them as Secondary Grade service for all purposes.

For Petitioner ... Mr.P.Manojkumar

For Respondents ... Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the first respondent to consider the Petitioners' representation dated 21.01.2020 in the light of the orders passed by this Court in WP.38449 of 2006 dated 05.01.2010 .



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2. Mr.P.Manojkumar, the learned counsel for the petitioners, submitted that the petitioners were initially appointed as Higher Grade Teachers even though they acquired the qualification for Secondary Grade Teacher and later they were appointed as Secondary Grade Teachers. The grievance of the petitioners is that they should be given with secondary grade scale pay for the period of service they rendered as the Higher Grade Teachers. The learned counsel for the petitioner further submitted that the matter is squarely covered by the decision of this Court in W.P.No.26377/2006 dated 20.06.2008 and W.P.No.38499 of 2006 dated 05.01.2010, wherein the similarly placed persons have been granted with the benefit as claimed by the petitioner.

3. Mr.T.Chezhiyan, the learned Additional Government Pleader, submitted that this Court can direct the fourth respondent to consider the representation of the petitioners and to pass orders. However, the learned Additional Government Pleader objected to grant the benefit to the 9th petitioner since he has been appointed beyond the cut off date i.e. 01.01.1971.



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4. Taking into consideration of the above submissions but without going into the merits of the case the fourth respondent is directed to consider the petitioner's representation dated 21.01.2020 and pass orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. However, the 9th petitioner is precluded from the benefit of this order since he has been appointed beyond the cut off date i.e. 01.01.1971.

5. With the above direction, this Writ Petition is disposed. No costs.

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Index: Yes / No
Speaking order / Non-speaking order
bkn



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To:

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1. The Secretary to Government,
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Fort St. George, Chennai – 600 009.
2. The Director of Elementary Education,
Chennai – 600 006.
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R.N.MANJULA ,J.

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