



W.P.No.6984 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.6984 of 2013

M.Santhamani Petitioner

-Vs-

The Assistant Elementary Educational Officer
Coonoor Block, Coonoor – 643 101
Nilgiris District. Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the recors relating to the impugned order of the respondent in Mu.Mu. No.2125/A1/2010 dated 31.3.2012 and quash the same in so far as it grants selection grade only from 21.6.2011 ignoring the service rendered by the petitioner in the post of Middle School Headmaster from 29.7.1995 to 15.2.2000 and direct the respondent to revise the date of selection grade by taking into account the period of service rendered in the post of Middle School Headmaster from 29.7.1995 to 15.2.2000 and grant all consequential benefits to the petitioner.

For Petitioner : Mr. P.Mohanraj
For Respondent : Mr.U.M.Ravichandran
Special Government Pleader



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ORDER

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The petitioner joined the service of the Government of Tamil Nadu in Education Department as Secondary Grade Teacher on 08.02.1982. She was promoted as Middle School Headmaster on 29.07.1995 by the District Elementary Education Officer, Coonoor. Subsequently she was reverted from the said post on account of the fact that one Mahalingam who was working as Assistant Elementary School Headmaster was posted as Middle School Headmaster. This reversion occurred on 16.02.2000. Since there was no vacancy to accommodate the petitioner as Middle School Headmaster and the petitioner being the junior most person to be promoted, she was reverted to her original post of Primary School Headmaster from that of Middle School Headmaster. Within a short duration she was given promotion as Middle School Headmaster on 21.06.2001. Her pay which was fixed as Middle School Headmaster from 29.07.1995 was fixed by order dated 20.06.2003 by the Assistant Elementary Education Officer, Coonoor. The petitioner was given the Selection Grade pay in the post of Middle School Headmaster on and from 21.6.2011. This was given in and by way of the order dated 31.03.2012. This proceeding is being challenged by the writ petitioner insofar as it ignores the services of the petitioner from 29.07.2005 to 15.02.2000 when she worked as Middle School Headmaster.



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2. Learned Special Government leader would bring to my notice that as per G.O. No.276 dated 07.08.1992 P&AR (Personnel & Administrative Reforms) Department, the government had ordered that the criterion for fixing Selection Grade/ Special grade was completion of 10/20 years of service. In other words, it does not require continuous service in the said post. A person who has cumulatively completed a tenure of 10 years/20 years in the said post is entitled to Selection grade or Special grade as the case may be. To clarify, for Selection grade an employee should have completed ten years and for special grade he/she should have completed 20 years. The exclusion of the petitioner's service from 29.07.1995 to 15.02.2000 is contrary to the G.O. She has put in service as Middle School Headmaster during the said period and subsequently has worked from 21.06.2000. Therefore once she completes a period of more than 10 years, by the aforesaid G.O., she is entitled to be given selection grade pay. Accordingly on the basis of the aforesaid Government order, the writ petition has to succeed. The impugned order, insofar as it ignored the service of the petitioner from 29.07.1995 till 15.02.2000, is set aside. The petitioner shall be treated as Selection Grade teacher for having put in the service and the objection that the service should have been continuous is rejected. Accordingly, the respondent shall calculate and pay the benefits payable to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is



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allowed. No costs.

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Index : Yes/No

Neutral Citation : Yes/No

KST

Note : Issue order copy on 13.06.2023

To

The Assistant Elementary Educational Officer
Coonoor Block, Coonoor – 643 101
Nilgiris District.



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V. LAKSHMINARAYANAN, J.

KST

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