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Writ Appeal No.907 of 2017

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated: 21.11.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR  
AND  
THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN**

**Writ Appeal No.907 of 2017  
and C.M.P.Nos.12602 & 12603 of 2017**

1. The State of Tamil Nadu,  
Rep. By its Secretary to Government,  
School Education Department,  
Fort St.George, Chennai – 600 009.

2. The Director of Elementary Education,  
DPI Compound, College Road,  
Chennai – 600 006.

... Appellants

Vs

A.Halimbee, Headmaster

... Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 08.04.2015 made in W.P.No.9964 of 2015.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Appellants | : Mr.K.V.Sajeev Kumar<br>Special Government Pleader |
| For Respondent | : No appearance                                     |



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## **JUDGMENT**

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(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This appeal has been directed against the order passed by the Writ Court dated 08.04.2015 made in W.P.No.9964 of 2015.

2.Heard Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the appellants. There is no representation for the sole respondent.

3. The issue raised in this writ appeal is no more *res-integra*. The issue was whether the Secondary Grade Teacher, who joined service before 01.06.1988 shall be granted Selection grade and Special Grade to the post of Primary School Headmaster by counting their past service rendered as Secondary Grade Teacher is the question. This in fact has been considered in number of cases, where orders have been passed affirmatively. Recently, this issue came up before a Division Bench, where one of us is a party (RSKJ) in ***W.A.Nos.2857 of 2019 & etc., batch*** in the matter of ***Government of Tamil Nadu and Ors. Vs. V.N.Kalisamy and Ors***, where a batch of writ appeals had come on the



same issue, where the Division Bench having taken note of the earlier orders passed in similar cases had disposed the said writ appeals to the following terms:

*“18. As has been narrated herein above, the issue raised in this batch of cases is no more res integra. The benefits which are to be conferred for those who earned the promotion as Primary School Headmaster after the cut-off date i.e. 01.06.1988 also have been extended to them by virtue of G.O.Ms.No.207 and the import of G.O. has already been quoted herein above.*

*19. However, diagonally opposite to the said import of the G.O., an interpretative proceeding was issued by the Director of School Education Department dated 23.07.2010, when it was questioned, it was rightly held by this Court right from 2012 that, the said proceedings is not in consonance with the said G.O.(Ms).No.207, therefore those who were promoted as Primary School Headmasters after 01.06.1988 are entitled to get such benefit by virtue of G.O.(Ms).No.207 and such benefits seems to have been conferred to some of them.*

*20. Atleast against one judgment passed by the Writ Court when intra-Court appeal was preferred before this Court by the appellant Department that was dismissed, of course, on the default ground against which no steps have*



*been taken and this factor has been recorded by the Co-ordinate Bench in the decision dated 05.07.2023 in W.A.No.37 of 2018.*

*21. Therefore the issue has been settled and concluded where those teachers who were initially working as Secondary Grade Teachers and subsequently earned promotion as Primary School Headmaster after 01.06.1988 are entitled to get the benefit of Selection Grade and Special Grade and accordingly the pay has to be necessarily revised, therefore based on the revised pay what are all the arrears of pay shall be paid to them and correspondingly their pension also to be revised and after revision of pension, the arrears of pension also shall be paid to them and they are entitled to continuously receive the same till their lifetime.*

*22. Insofar as this benefit conferred on them is concerned, absolutely there can be any quarrel as the issue raised, as stated supra, has been settled. Therefore following the earlier judgments passed by this Court including the latest one of the Co-ordinate Bench dated 05.07.2023, we are inclined to dispose of these writ appeals as well as the writ petitions to the following effect:*

*(i) That the Writ Appeals in W.A.Nos.2857 of 2019, 1038 of 2017, 944 of 2017, 1663 of 2018, 1766 of 2018, 671 of 2018, 688 of 2018, 704 of*



2018, 3738 of 2019, 3166 of 2019 and 957 of 2019 are deserved to be dismissed, accordingly they are dismissed and the writ petitions in W.P.Nos.25680 of 2011, 8962 and 8963 of 2011, 21852 of 2014, 15496 of 2014, 2112 of 2015, 22175, 22176, 22177, 22178, 22179, 22180, 22181, 22182 of 2015, 24456 of 2015, 12990 of 2016 and 22176 of 2021 are allowed.

(ii) As a sequel, the respective retired Teachers who earned the promotion as Primary School Headmasters after 01.06.1988 are entitled to get the benefit of salary dues as well as pension dues by way of arrears and that shall be calculated and be paid to the respective retired Teachers/Primary School Headmasters by the appellant Department within a period of three months from the date of receipt of a copy of this judgment.

23. With the above observations and directions, all these Writ Appeals and Writ Petitions are disposed of to the terms indicated above. No costs. Consequently, connected miscellaneous petitions are closed.”

4. In this case also through the impugned order, the learned Judge has allowed the writ petition, by thus, the Selection Grade shall be



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granted to the writ petitioner/respondent in the post of Primary School Headmaster by counting the past service rendered by him as a Secondary Grade Teacher.

5. Therefore, as against the said order since this appeal has been filed, it is deserved to be rejected as the law is well settled in this regard.

6. However, it is brought to our notice by the learned Special Government Pleader appearing for the appellants that in this case, the respondent/writ petitioner has completed only 12 years of service and not 20 years of service. Therefore, if at all he is entitled to get such conferment of the benefits, he is entitled to get the benefits of Selection Grade alone and not the Special Grade.

7. If that being the factual position that he has not completed 20 years of service and has completed only 12 years of service and accordingly, he is entitled to get the benefits of Selection grade and not the Special Grade, therefore, to that extent the respondent/writ petitioner is entitled to get the benefit.



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8. By making this modification, we sustained the order passed by the Writ Court, which is impugned herein in all other aspects.

9. Accordingly, this Writ Appeal stands disposed of. No costs. Connected miscellaneous petitions are closed.

**(R.S.K.,J.)**

**(G.A.M., J.)**

**21.11.2023**

Index: Yes/No  
Speaking Order/Non Speaking Order  
Neutral Citation: Yes/No  
mp



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