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W.P.No.30976 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.06.2023

DELIVERED ON : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 30976 of 2019

- 1.S.Jalabalan
- 2.B.Balasubramaniyan
- 3.C.Ramasamy
- 4.P.Mani
- 5.K.Subramanian
- 6.B.Suriyakala
- 7.S.Navaneetham
- 8.S.Vaithilingam
- 9.R.Nurjahan Rahim
- 10.K.Susila
- 11.S.Fathima
12. D.Mugunthan
Representing late.S.Devanathan
- 13.Vaijayanthimala
- 14.L.Kaliyamoorthy
- 15.A.Subramanian
- 16.R.Sundaram
- 17.K.Elayalwar
18. Vasantha Suseela Bai
Representing late G.Selladurai
- 19.A.Subramanian
- 20.A.Loganathan
- 21.D.Selvaraju
- 22.A.Sampooranam

... Petitioners

Versus



W.P.No.30976 of 2019

- 1.The Government of Tamil Nadu, represented
by the Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai – 600 006.
- 3.The District Educational Officer,
Kallakurichi,
Villupuram District-602 202.
- 4.The District Educational Officer,
Aathur, Salem District-636 102.
- 5.The Block Educational Officer,
Kallakurichi.
Villupuram District-606 202.
- 6.The Block Educational Officer,
Chinna Salem, Villupuram District-606 201.
7. The Block Educational Officer,
Thalaivasal, Aathur Taluk, Salem District-636 112. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 1st respondent in Government Letter No.8922/Nee.Va.2(2)/2017 dated 03.07.2017 and quash the same and directing the respondents to grant the benefits of G.O.Ms.No.210 School Education (G1) Department dated 14.08.2009 to the petitioners as has been extended to the similarly placed Middle School Head



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Masters by the Division Benches Judgments of this Hon'ble Court in Batch cases in W.A.Nos.34, 487, 488 of 2017 etc dated 03.01.2019 and in W.A.Nos.73, 102, 221 of 2016 etc of 2019 and W.P.Nos.5699 of 2012 and W.P.Nos.7605 to 7608 of 2015 and 433 to 435 of 2019., dated 26.03.2019 and to fix the pay of the petitioners in the Selection Grade/Special Grade in the post of B.T.Grade Middle School Head Master by counting the services rendered as Secondary Grade Teacher, Elementary School Head Master and Middle School Master service with effect from the date of their promotion to the post of B.T.Grade Middle School Head Master with all monetary benefits and the pensionary benefits with the accrued arrears thereof and disburse the arrears of salary and pension/family benefits.

For Petitioner : Mr.K.Thennan

For Respondents : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the 1st respondent in Government Letter No.8922/Nee.Va.2(2)/2017 dated 03.07.2017 and consequently direct the respondents to grant the benefits of G.O.Ms.No.210 School Education (G1) Department dated 14.08.2009 to the petitioners as has been extended to the similarly placed Middle School Head Masters by the judgments of Hon'be Division Benches of this Court.



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2. The Government of Tamil Nadu extended the benefits of awarding Selection Grade/Special Grade to the Elementary School Head Master and Secondary Grade Middle School Head Master by counting their lower category service of Secondary Grade Assistant Service as well as Elementary School Head Master category services. Similarly placed persons like the petitioner approached the Tamil Nadu Administrative Tribunal, Chennai and they obtained favourable orders in O.A.No.2250 of 1991 on 25.04.1996. In furtherance of the said order of the Tribunal, the Government also passed several G.O.'s. In fact, the petitioners have stated that the Government has accepted the verdict in O.A.No.2250 of 1991 dated 25.04.1996 and the same has become final. The petitioners would also contend that several writ petitions have been filed subsequently and were all allowed, following the order in O.A.No.2250 of 1991 dated 25.04.1996. In fact, the petitioners filed writ petition in W.P.No.11006 of 2012 which came to be allowed directing the 1st respondent to consider the petitioners representations in the light of earlier orders within a period of three months. However, the 1st respondent proceeded to pass the impugned order, rejecting the petitioners claim, which is under challenge in the present writ petition for several grounds raised in the affidavit filed in support of the writ petition.



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3. The learned Government Advocate for the respondents admitting the trajectory of the various proceedings commencing from the O.A before the Tamil Nadu Administrative Tribunal and resulting in several G.O.s being passed. The fact that the petitioners have approached this Court and obtained orders is not denied. However, the learned Government Advocate has stated that they have taken a decision only in accordance with law and since the petitioners were not working as a Middle School Head Master on 01.06.1998, they were not entitled to benefits of G.O.Ms.No.210, School Education Department dated 14.08.2009 and extension of benefits cannot be given automatically as prayed for by the petitioners. On these limited contentions, the learned Government Advocate prayed for dismissal of the writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. The issue is no longer *res integra*. Similar writ petitions have been filed and came to be allowed by this Court and in fact in W.A.(MD).No.1420/2017 in W.P.No.10891 of 2016, appeal filed by the



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State, the Hon'ble Division Bench of this Court considering the effect of G.O.Ms. No.210 and the ratio laid down by the Hon'ble Full Bench of this Court in judgment reported in **2017 2 MLJ 257** and held that there was no substance in the contentions of the State and confirmed the order of the learned Single Judge conferring the benefits on the petitioner therein, in line with the mandate of G.O.Ms.No.210 dated 14.08.2009. It is also seen that this Court has consistently followed the orders of the Hon'ble Full Bench and the Hon'ble Division Bench of this Court. This case is no different. The petitioners are squarely falling within the four corners of the ratio already laid down by this Court. However, in fact even in the earlier writ petition in W.P.No.11006 of 2012, this Court made it clear that there were several orders which were implemented by the Government and only in such view of the matter, G.O.Ms.No.210 dated 14.08.2009 also came to be passed. This Court only directed the 1st respondent to consider the petitioner's case in the light of the said G.O and pass orders.

6. However, the 1st respondent, has chosen to reject the petitioners claim by introducing the cut off date. Therefore, G.O.Ms.No.210 dated 14.08.2009 would not be applicable, referring to a cut of date 01.06.1988.

The reason of the 1st respondent is not justified especially in the light of the



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several orders passed in W.P.s as well as judgments by Hon'ble Division Bench of this Court where similarly placed petitioners like the writ petitioner have been conferred the benefits of G.O.No.210 dated 14.08.2009. Therefore, the stand of the 1st respondent that in view of the promotion given to the petitioners, they are not entitled to the benefits of G.O.No.210 dated 14.08.2009 is not sustainable.

7. For the above foregoing reasons, the writ petition is allowed and impugned order passed by the 1st respondent in Government Letter No.8922/Nee.Va.2(2)/2017 dated 03.07.2017 is set aside. No costs.

04.08.2023

Index : Yes / No

Speaking/non speaking order

Neutral Citation: Yes/No

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To

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by the Secretary to Government,
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Chennai – 600 009.

2.The Director of Elementary Education,
College Road, Nungambakkam,
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P.B.BALAJI, J.

nr

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Pre-delivery Order made in
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