



WEB COPY



W.P.No.33581 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. 33581 of 2019

S.Rajagopal

... Petitioner

Versus

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 Chief Educational Officer,
Salem,
Salem District-636 001.

4.The District Educational Officer,
Aathur, Aathur Taluk,
Salem District-636 102.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the respondents to grant the benefits of Special Grade in Middle School Head Master Post w.e.f his



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date of promotion as Middle School Head Master by counting his earlier Secondary Grade Assistant Service and Elementary School Head Master Service to the petitioner as has been extended to the similarly placed Middle School Head Masters by the Division Benches Judgments to 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 petitioner in the Special Grade in the post of B.T.Grade Middle School Head Master and B.T.Assistant with effect from the date of his promotion to the post of B.T.Grade Middle School with all monetary benefits and the pensionary benefits with the accrued arrears thereof and disburse the arrears of salary and pension.

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 Mandamus, directing the respondents to grant the benefits of Special Grade in Middle School Head Master Post w.e.f his date of promotion as Middle School Head Master by counting his earlier Secondary Grade Assistant Service and Elementary School Head Master Service, to the petitioner, as has been extended to the similarly placed Middle School Head Masters, with all



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monetary benefits and the pensionary benefits with the accrued arrears thereof and disburse the arrears of salary and pension.

2. The Government of Tamil Nadu extended the benefits of awarding Selection/Special Grade to 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 petitioner has 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 petitioner 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. The grievance of the petitioner is that the petitioner has made a representation to the respondents seeking extension of the benefits of G.O.Ms.No.210, School Education Department dated 14.08.2009 to him, since the petitioner is a similarly placed person as that of the other beneficiaries of the said G.O. Citing the



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judgements passed by Hon'ble Division Bench of this Court in W.A.Nos.34, 487, 488 of 2017 etc., dated 03.01.2019, he further states that the Government implemented the judgments of this Court in respect of the petitioners who were parties to such cases alone, vide G.O.Ms.No.190, School Education Department, dated 12.07.2010 extending the benefits of G.O.Ms.No.210 dated 14.08.2009 followed by another G.O.Ms.No.146, School Education Department dated 19.06.2012, thereby restricting the benefits to only those persons who have got specific orders from the Court.

3. The learned Government Advocate for the respondents admitted 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. However, learned Government Advocate for the respondents has stated that they have taken a decision only in accordance with law and since the petitioner was not working as a Middle School Head Master on 01.06.1988, he was 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 petitioner. On these limited contentions, learned Government Advocate prayed for dismissal of the writ petition.



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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 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 petitioner is squarely falling within the four corners of the ratio already laid down by this Court.

6. The learned Government Advocate submitted that the petitioner had been promoted on 18.06.2001 and therefore, G.O.Ms.No.210 dated



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14.08.2009 would not be applicable, referring to a cut of date 01.06.1988.

The reason of the learned Government Advocate for the respondents is not justified, especially in the light of the 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 learned Government Advocate for the respondents that in view of the promotion given to the petitioner, he is 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. No costs.

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Index : Yes / No

Speaking/non speaking order

Neutral Citation: Yes/No

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P.B.BALAJI, J.

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To

1. The Secretary to Government,
School Education Department,
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2. The Director of Elementary Education,
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3. The Chief Educational Officer,
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Pre-delivery Order made in
W.P.No. 33581 of 2019

04.08.2023