



Writ Appeal Nos.1703 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.09.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal Nos.1703, 1980, 1809 & 3464 of 2019
and C.M.P.Nos.11396, 12257, 13389, 13387 & 22180 of 2019**

W.A.No.1703 of 2019

- 1.The Government of Tamil Nadu
Rep., by Secretary to Govt.,
School Education Department,
Fort St., George, Chennai – 600009
- 2.The Director of Elementary Education,
College Road, Chennai – 600009.
- 3.The District Elementary Educational Officer,
Trichy District, Trichy.
- 4.The Assistant Elementary Educational Officer,
Uppiliyapuram Panchayat Union,
Trichirappalli District. ... Appellants

Vs

K.Harikrishnan ... Respondent

PRAYER Writ Appeal filed under Clause 15 of Letters Patent against the order dated 05.06.2015 made in W.P.No.15830 of 2015.



Writ Appeal Nos.1703 of 2019

W.A.No.1980 of 2019

- 1.The Government of Tamil Nadu
Rep., by Secretary to Govt.,
School Education Department,
Fort St., George, Chennai – 600009
 - 2.The Director of Elementary Education,
College Road, Chennai – 600009.
 - 3.The District Elementary Educational Officer,
Erode District, Erode.
 - 4.The Addl Assistant Elementary Educational Officer,
Erode Panchayat Union,
Erode .
- ... Appellants

Vs

- 1.R.Palanisamy
 - 2.M.K.Deivanaiammal
 - 3.R.Kalaiselvi
- ... Respondents

PRAYER Writ Appeal filed under Clause 15 of Letters Patent against the order dated 31.07.2015 made in W.P.No.23090 of 2015.

W.A.No.1809 of 2019

- 1.The Government of Tamil Nadu
Rep., by Secretary to Govt.,
School Education Department,
Fort St., George, Chennai – 600009
- 2.The Director of Elementary Education,
College Road, Chennai – 600009.
- 3.The District Elementary Educational Officer,
Coimbatore District, Coimbatore.



Writ Appeal Nos.1703 of 2019

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4.The Assistant Elementary Educational Officer,
Karamadai Panchayat Union,
Karamadai, Coimbatore.

5.The Addl Assistant Elementary Educational Officer,
Karamadai Panchayat Union,
Karamadai, Coimbatore. ... Appellants

Vs

- 1.B.A.Duraisamy
- 2.K.Sivabakiyam
- 3.N.Mani
- 4.E.Bathiran
- 5.A.Manickam
- 6.M.Kandasamy
- 7.P.M.Nagarathinam
- 8.R.Gurusamy
- 9.T.Panduraj
- 10.N.Kasthuribai
- 11.M.Rajathi
- 12.P.Murugesan
- 13.G.Malliga
- 14.V.Rajamani
- 15.B.Ramasamy
- 16.N.Govindarajan
- 17.R.Amirthalakshmi
- 18.J.Stanley
- 19.P.V.Jeevarathinam
- 20.M.R.Mylathal
- 21.P.Krishnamoorthy
- 22.S.Manian
- 23.K.Nanjundan
- 24.P.Pujjaiyan
- 25.R.Kambathiruman
- 26.T.Devarajan



Writ Appeal Nos.1703 of 2019

27.K.Rajamani
28.K.S.Subbaiyan
29.V.Amaravathi
30.P.S.Nagarathinam
31.N.Gurusamy
32.K.Subbusamy
33.M.Nagarathinam
34.M.Muthulakshmi
35.V.Indirani
36.P.V.Jeevarathinam ... Respondents

PRAYER Writ Appeal filed under Clause 15 of Letters Patent against the order dated 29.06.2015 made in W.P.No.18875 of 2015.

W.A.No.3464 of 2019

- 1.The Government of Tamil Nadu
Rep., by Secretary to Govt.,
School Education Department,
Fort St., George, Chennai – 600009
- 2.The Director of Elementary Education,
College Road, Chennai – 600009.
- 3.The District Elementary Educational Officer,
Ariyalur District, Ariyalur.
- 4.The Assistant Elementary Educational Officer,
Jayankondam Panchayat Union,
Jayankondam, Ariyalur District.
- 5.The Addl Assistant Elementary Educational Officer,
Jayankondam Panchayat Union,
Jayankondam, Ariyalur District. ... Appellants

Vs



Writ Appeal Nos.1703 of 2019

- 1.G.Pandurengan
- 2.S.Seetharaman
- 3.K.Krishnaiya
- 4.S.K.Rajan
- 5.P.Balakrishnan
- 6.K.Chidambaram
- 7.N.Kaliperumal
- 8.P.V.Perasiriyen
- 9.R.V.Kothandaraman
- 10.K.Swaminathan
- 11.D.Ramalingam
- 12.N.Ramalingam
- 13.K.Dhakshinamoorthy
- 14.G.Kaliperumal (died)
- 15.A.Ramasamy
- 16.K.Adimoolam
- 17.G.Ramalingam
- 18.N.Patrasu
- 19.P.Chidambaram
- 20.D.Kaliyaperumal
- 21.A.Arumugam
- 22.G.Mahalingam
- 23.C.Arumugam
- 24.V.Arumugam
- 25.C.Somasundaram
- 26.C.Natarajan
- 27.Tmt.Anjayal
- 28.Savithri
- 29.Balasubramani
- 30.Senthilkumar
- 31.Rajasekar
- 32.Jothi
- 33.Saravanakumar
- 34.Indiragandhi
- 35.Elayaraja

... Respondents



Writ Appeal Nos.1703 of 2019

*R14 died RR28 to 31 are substituted as LR of deceased R14 viz.,
G.Kaliyaperumal vide order of Court dated 26.04.2023 made in CMP
Nos.8495 & 8497 of 2022*

*R22 died RR32 to 35 are substituted as LR of deceased R22 viz.,
G.Mahalingam vide order of Court dated 26.04.2023 made in CMP
Nos.8495 & 8497 of 2022*

PRAYER Writ Appeal filed under Clause 15 of Letters Patent against the order dated 27.04.2015 made in W.P.No.12563 of 2015.

For Appellants in

W.A.No.1809 & 1703 of 2019 : Mr.R.Kumaravel
Additional Government Pleader

For Appellants in

W.A.No.1980 & 3864 of 2019 : Mr.K.V.Sajeev Kumar
Special Government Pleader

For Respondents in

W.A.No.1809 of 2019 : Mr.Saseedharan for R1 to R36

For Respondent in

W.A.No.1703 of 2019 : Mr.Saseedharan

For Respondents in

W.A.No.1980 of 2019 : Mr.Saseedharan for R1 to R3

For Respondent in

W.A.No.3464 of 2019 : Mr.Saseedharan
for RR1, 6, 8 & 20
: No appearance for RR2, 3 to 5, 7,
9 to 13, 15, 17 to 19, 21, 23 to 27

COMMON JUDGMENT



Writ Appeal Nos.1703 of 2019

(Order of the Court was made by K.KUMARESH BABU.,J.)

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These Intra Court appeals have been filed by the Government as being aggrieved against the orders passed by the learned Single Judge in the respective Writ Petitions where the learned Judge after quashing the orders impugned in the respective Writ Petitions and had further directed to give arrears to the private respondents herein pursuant to the fixation of the selection grade and special grade in the post of primary school headmasters by counting their services as secondary grade teacher within a time frame.

2.When these appeals are taken up for hearing Mr.K.V.Sajeev Kumar, learned Special Government Pleader as well as Mr.Saseedharan learned counsel appearing for the private respondents would submit that the *lis* in these writ appeals are no longer *res-integra* and is squarely covered under a batch of cases in W.A.Nos.2857 of 2017 etc., by order dated 13.07.2023 passed by us.

3.We had an occasion to earlier deal with a similar issue and after



considering the facts had passed the following order.

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“ 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,



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Writ Appeal Nos.1703 of 2019

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.”

4. The learned counsels appearing on either side had submitted that the facts in these appeals are also similar to that of the Writ Appeals in which we had passed the above order. As a sequel, with the above observations and directions, all these Writ Appeals are dismissed to the terms indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.)

(K.B., J.)

08.09.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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Writ Appeal Nos.1703 of 2019



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Writ Appeal Nos.1703 of 2019

R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

Gba

Writ Appeal Nos.1703, 1980, 1809
& 3464 of 2019

08.09.2023