



W.A.(MD)Nos.1205 of 2013, 611 and 704 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)Nos.1205 of 2013, 611 and 704 of 2017

and

M.P.(MD) Nos.2 of 2013 and 1 of 2014 in W.A.(MD) No.1205 of 2013
and C.M.P.(MD) No.5068 of 2017 in W.A.(MD) No.611 of 2017 and
C.M.P.(MD) No.5463 of 2017 of W.A.(MD) No.704 of 2017

W.A.(MD)No.1205 of 2013:

- 1.The State of TamilNadu,
Rep. by the Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 006.
- 2.The Director of Elementary Education,
College Road, Chennai – 600 006.
- 3.The District Elementary Educational Officer,
Sivagangai.
- 4.The Assistant Elementary Educational Officer,
Thiruppuvanam. ... Appellant/Respondents 1 to 4

Vs.

- 1.Thiru. P.Mariajagam ... 1st Respondent/Writ Petitioner



W.A.(MD)Nos.1205 of 2013, 611 and 704 of 2017

2.The Correspondent,
R.C.Middle School No.1,
Michaelpatnam,
Vempathur Post,
Sivagangai District.

.... 2nd Respondent / 5th Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 03.04.2012 made in W.P.(MD)No.6427 of 2011 on the file of this Court.

For Appellant	: Mr.A.Kannan Additional Government Pleader
For 1 st Respondent	: Mr.B.Alagarsamy
For 2 nd Respondent	: No Appearance

W.A.(MD)No.611 of 2017:

- 1.The State of TamilNadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 006.
- 2.The Director of Elementary Education,
College Road, Chennai – 600 006.
- 3.The District Elementary Educational Officer,
R.M.S. Road, Madurai – 625 001. ... Appellant/Respondents

Vs.

A.Samuel ... Respondent/Writ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 27.06.2013 made in W.P.(MD)No.10311 of 2013 on the file of this Court.



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W.A.(MD)Nos.1205 of 2013, 611and 704 of 2017

For Appellant

: Mr.A.Kannan
Additional Government Pleader

For Respondent

: Mr.B.Alagarsamy

W.A.(MD)No.704 of 2017:

1.The Principal Secretary to Government,
School Education (G1) Department,
Chennai.

2.The Director of Elementary Education,
College Road,
Chennai.

3.The District Elementary Educational Officer,
Collectorate,
Karur District,
Karur.

4.The Assistant/Additional Elementary Educational Officer,
Mahandhanapuram Post,
Krishnarayapuram Taluk,
Karur – 639 106.

... Appellant/Respondents

Vs.

T.Janaki

... Respondent/Writ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 26.03.2014 made in W.P.(MD)No.4576 of 2014 on the file of this Court.

For Appellant

: Mr.A.Kannan
Additional Government Pleader



W.A.(MD)Nos.1205 of 2013, 611 and 704 of 2017

For Respondent : Mr.D.Kirubakaran

COMMON JUDGMENT

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

These Writ Appeals have been directed against the order of the Writ Court dated 03.04.2012, 27.06.2013 and 26.03.2014 made in W.P. (MD)Nos.6427 of 2011, 10311 of 2013 and 4576 of 2014 respectively.

2. The issue raised in these Writ appeals is one and the same, where the respective writ petitioner, who are the 1st respondent/respondent herein, had sought for a Writ of Certiorari / Writ of Mandamus, to quash the Government Order made in G.O.Ms.No.192 School Education Department dated 12.07.2010 and to extent the benefit of G.O.Ms.210 School Education Department dated 14.08.2009.

3. In fact, the very same issue had been considered in an earlier Writ Petition i.e., W.P.(MD) No.3527 of 2010, that was infact ordered by another learned Judge, which had been taken as a precedent and accordingly, the learned Judge has allowed these Writ Petitions.



W.A.(MD)Nos.1205 of 2013, 611 and 704 of 2017

4. Heard Mr.A.Kannan, learned Additional Government Pleader appearing for the appellants and Mr.B.Alagarsamy and Mr.D.Kirubakaran, learned counsel appearing for the contesting respondent /writ petitioner.

5. In fact the earlier order passed in W.P.(MD) No.3527 of 2010 dated 19.03.2010 has recorded that in W.P.(MD) No.29624 of 2005, a learned Single Judge passed an order on 15.09.2005, where he has recorded that the issue raised therein had already been concluded by the decision of the Tamil Nadu Administrative Tribunal made in O.A.3830 of 1997 dated 17.04.2002. The said order has been confirmed by a Division Bench of this Court in W.A. No.233 of 2008 dated 21.04.2008. Following the same, G.O.Ms.No.210 had been issued and the benefit that was sought for by employees had been extended.

6. Therefore, the learned Judge, having taken note of the earlier orders passed in various cases, including a Division Bench Judgment made in W.A.(MD)No.126 of 2011, has allowed the present Writ Petitions also, as against which, these appeals have been filed by the appellant department.



W.A.(MD)Nos.1205 of 2013, 611 and 704 of 2017

9. It is not in dispute that the issue raised in these Writ Appeals has been raised in a number of cases, where orders have been passed in favour of the writ petitioners and against the Government or its departments and that have been confirmed by more than one Division Bench and this position has been reiterated again and again by the subsequent orders.

10. When that being so, nothing wrong in following the said orders for allowing the present set of Writ Petitions, as has been done by the learned Judge through the impugned orders, therefore, we find no error in the said orders and accordingly, these Writ Appeals deserve to be rejected. Hence, they are dismissed. Consequently, connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.

(R.S.K., J.) & (K.K.R.K, J.)
09.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ



W.A.(MD)Nos.1205 of 2013, 611and 704 of 2017

To

- 1.The Principal Secretary to Government,
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Collectorate,
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Karur.
- 6.The Assistant/Additional Elementary Educational Officer,
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Krishnarayapuram Taluk,
Krishnarayapuram Taluk,
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- 7.The Assistant Elementary Educational Officer,
Thiruppuvanam.



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W.A.(MD)Nos.1205 of 2013, 611and 704 of 2017

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K.K.RAMAKRISHNAN, J.

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W.A.(MD)Nos.1205 of 2013, 611and 704 of 2017

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