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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2023**

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1273 of 2013

1.The State of Tamil Nadu,
represented by the Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai – 600 009.

2.The Director of School Education,
College Road, Chennai – 600 006.

3.The Chief Educational Officer,
Dindigul.

3.The District Educational Officer,
Dindigul.

...Appellants

-Vs.-

1.C.Poan

2.The Secretary,
Nadar Sundara Vishalakshi Vidya Sala
Boys Higher Secondary School,
Pattiveeranpatti-624 211, Dindigul District.

...Respondents



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PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to set aside the order dated 03.08.2012 made in W.P.(MD)No.10124 of 2012 on the file of this Court.

For Appellants	:Mr.V.Om Prakash Government Advocate
For R1	: Mr.B.Alagarsamy
For R2	:No Appearance

JUDGMENT

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

The respondents in the Writ Petition are the appellants herein.

2.The Writ Petitioner has filed the Writ Petition in W.P.(MD)No.10124 of 2012 seeking a Mandamus to extend the benefit of G.O.Ms.No.258, School Education (M.1) Department dated 06.09.2010. The Writ Court, after following the order of this Court in W.P(MD)Nos. 9713 to 9718 of 2011 dated 20.12.2011 had issued a positive direction to extend the benefit of G.O.Ms.No.258 to the Writ Petitioner. Challenging the said order, the present Writ Appeal has been filed by the State.



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3. According to the learned Government Advocate, in view of the judgment of Hon'ble Full Bench of this Court in the case of *Government of Tamilnadu and others vs G.Eswaran* [(2017) 2 MLJ 257 (FB)], the Writ Petitioner is not entitled to have the benefit under the said Government Order.

4. However, on perusal of the judgment of the Hon'ble Full Bench in paragraph 38(1), we find that the conferment of Selection Grade or Special Grade should have fallen within the range between 01.06.1988 and 31.12.1995. In the present case, selection grade has been conferred upon the Writ Petitioner on 10.07.1988, which squarely falls within the range pointed out by the Hon'ble Full Bench. Therefore, we are of the view that the petitioner is entitled to the benefits of G.O.Ms.No.258, which is relatable to G.O.Ms.No.216 dated 22.03.1993. Therefore, there is no ground to interfere in the order of the Writ Court and hence, the Writ Appeal stands dismissed.

5. Learned Government Advocate had however contended that the entire benefits as per G.O.Ms.No.216 has already been conferred upon the deceased Writ Petitioner.



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6.However, the learned Counsel for the Writ Petitioner has pointed out that it has only been partially complied with.

7.In case, if the monetary benefits under G.O.Ms.No.216 have not been fully granted to the Writ Petitioner's family, the same shall be disbursed within a period of eight weeks from date of receipt of a copy of this judgment. No costs.

[A.S.M.J.,] & [R.V.J.,]
25.07.2023

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

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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

cmr

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