



W.A(MD).No.1240 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.07.2023**

CORAM:

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

W.A.(MD)No.1240 of 2014
and MP(MD).No.2 of 2014

1.The State of Tamil Nadu
Represented by the Secretary to Government
Education Department
Secretariat
Chennai 600 009

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

3.The Chief Educational Officer
Sivagangai
Sivagangai District

4.The Headmaster
Government Boys Higher Secondary School
Thiruppuvanam
Sivagangai District

... Appellants

Vs.

V.Srinivasan

....Respondent



W.A(MD).No.1240 of 2014

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PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 20.07.2012 in W.P(MD).No.9039 of 2012 and allow the Writ Appeal.

For Appellants :Mr.V.Om Prakash
Government Advocate

For Respondent : Mr.M.Yuvaraja
For Mr.S.Sankara Pandian

JUDGMENT

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

The petitioner had filed a writ of mandamus seeking to extend the benefits of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993.

2.A perusal of the writ affidavit indicates that the petitioner was appointed as a Secondary Grade Teacher on 17.08.1962. He was conferred Selection Grade on 01.04.1974 and Special Grade on 16.08.1982. He attained superannuation on 15.07.2000.

3.The Hon'ble Full Bench of our High Court in a judgment reported in [(2017) 2 MLJ 257 (FB)] in the case of *Government of Tamil Nadu and others Vs. G.Eswaran and others*, while considering the



W.A(MD).No.1240 of 2014

applicability of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993, in Paragraph No.38(i) has held as follows:

“38(i).The Government is directed to implement the G.O.Ms.No.216, dated 22.03.1993 for the period between 01.06.1988 and 31.12.1995, on and from 01.03.2017 onwards in respect of all the Secondary Grade Teachers of High/Higher Secondary Schools including the Special Teachers who attained Selection grade/Special grade during the above said period, on par with the pay scale of Primary School Headmasters:”

4.However, the learned Single Judge while considering the batch of writ petitions on 20.07.2012, has allowed the writ petition directing the authorities to confer the said benefits. As per judgment of the Hon'ble Full Bench, the petitioner should have obtained Selection Grade and Special Grade between 01.06.1988 to 31.12.1995. However, in the present case, the petitioner had obtained Selection Grade and Special Grade between 01.04.1974 to 16.08.1982. Therefore, he is not entitled to derive the benefits under G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993. Therefore, the order of the learned Single Judge is liable to be set aside.



W.A(MD).No.1240 of 2014

WEB COPY

5.In view of the above said facts, the order of the Writ Court is set aside and this Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [R.V.J.]
17.07.2023

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

msa

To

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W.A(MD).No.1240 of 2014

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