



W.A(MD).No.1241 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.1241 of 2014
and MP(MD).No.3 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 High School
Vembathoor
Sivagangai District

... Appellants

Vs.

S.Seeralan

....Respondent



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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.9040 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 petition seeking mandamus to direct the official respondents to extend the benefits under G.O.Ms.No. 216, Finance (PC) Department, dated 22.03.1993.

2.The writ Court had allowed the writ petition giving a positive direction to the authorities to confer the said benefits. Challenging the same, the present Writ Appeal has been filed by the State.

3.A perusal of the writ affidavit indicates that the petitioner was appointed as a Secondary Grade Teacher on 23.02.1972. He was conferred Selection Grade on 23.02.1982 and Special Grade on 23.02.1992. He attained superannuation on 30.06.2005.



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4.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 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:”

5.As per the said Full Bench Judgment, unless a candidate has acquired Selection Grade and Special Grade between 01.06.1988 and 31.12.1995, he is not eligible to get the benefits under G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993.

6.As narrated supra, the petitioner has obtained Selection Grade and Special Grade between 23.02.1982 and 23.02.1992. Therefore, the petitioner is not eligible to derive the benefits under G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993.



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7.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



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