



W.P.(MD).No.20591 of 2015

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 14.02.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD).No.20591 of 2015**

R.Jeyaraj Muthusamy (Died)

1.James Rajiah

2.George Arulraj

3.RosyChellam

.... Petitioners

*( The petitioners 1 to 3 are substituted vide Court Order dated 14.02.2023 in W.M.P.(MD).No.1458 of 2023 in W.P.(MD).No.20591 of 2015)*

**Vs.**

1.The Secretary to Government,  
School Education Department,  
State of Tamil Nadu,  
Secretariat, St.Fort George,  
Chennai – 9.

2.The Principal Accountant General (A&E),  
Tamil Nadu,  
Chennai – 18.



**W.P.(MD).No.20591 of 2015**

3.The Director of School Education,  
College Road,  
Chennai – 6.

4.The District Educational Officer,  
Thoothukudi.

5.The Correspondent,  
Pope Memorial Higher Secondary School,  
Sawyerpuram – 628 251,  
Thoothukudi District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the fourth respondent in his proceedings in O.Mu.No. 3184/Aa3/15 dated 15.06.2015 and quash the same and consequently direct the respondents to grant increment to the petitioner as per G.O. Ms.No. 92, School Education (E2) Department, Dated 27.05.2011 from 01.04.1986 and consequent monitory and pension benefits within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For R-1, R-3  
and R-4 : Mr.D.Sadiq Raja,  
Additional Government Pleader.

For R-2 : Mr.P.Gunasekaran

For R-5 : Mr.P.P.Alwin Balan



**W.P.(MD).No.20591 of 2015**

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## **ORDER**

This Writ Petition is filed challenging the impugned order dated 15.06.2015 with a consequential relief to direct the respondents to grant increment to the petitioner as per G.O. Ms.No. 92, School Education (E2) Department, Dated 27.05.2011 from 01.04.1986 and to disburse consequent monitory and pension benefits.

2. The petitioner was working as Vocational Engineering Instructor in the fifth respondent Minority Government Aided School. The Government granted one increment to the art and craft and other teachers for having teacher training. The Vocational Engineering Instructors were recruited based on their engineering qualifications and special teacher training course. However, the Vocational Engineering Instructors were omitted and were not granted increment. Therefore, aggrieved Vocational Engineering Instructors approached the State Administrative Tribunal in O.A.No.4901 of 1994 which was transferred to High Court as W.P.No.23992 of 2006. This Court directed the Government to consider the request of the petitioner and pass orders. After considering the claim of the said Vocational Engineering Instructors, the



**W.P.(MD).No.20591 of 2015**

Government has passed G.O.Ms.No.92 School Education (E2) Department dated 27.05.2011 giving one increment to the Vocational Engineering Instructors. However, the said Government Order has referred only 109 Vocational Engineering Instructors alone. The petitioner's name is not included in the said Government Order. The contention of the petitioner is that he is also eligible as per G.O.Ms.No.92. The respondents after considering the petitioner's case as rejected the claim of the petitioner through the impugned order. Aggrieved over the impugned order, the present Writ Petition is filed.

3. Pending Writ Petition, the writ petitioner died. The legal heirs of the petitioner filed a substitute petition and the substitute petition was allowed vide order dated 14.02.2023 in W.M.P.(MD)No.1458 of 2023 in W.P.(MD). No. 20591 of 2015.

4. On perusal of the impugned order, it is seen that the DEO has rejected the claim of the petitioner, since the petitioner's name was not in the said G.O., the petitioner is not entitled to. But the claim of the petitioner ought to be considered by the Government alone. If the petitioner is otherwise entitled to, the Government shall grant the said benefits to the petitioner. Therefore, this



**W.P.(MD).No.20591 of 2015**

Court is inclined to pass the following orders:

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(i) The impugned order is quashed.

(ii) The legal heirs of the writ petitioner shall submit a representation to the first respondent Government.

(iii) The first respondent after scrutinize all the records of the deceased employee and if the deceased employee is eligible, then the legal heirs of the deceased employee may be granted benefits as per G.O.Ms.No.92.

(iv) The entire exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is allowed. There shall be no order as to costs.

**14.02.2023  
(2/2)**

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



W.P.(MD).No.20591 of 2015

To

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W.P.(MD).No.20591 of 2015

**S.SRIMATHY, J.**

Nsr

W.P.(MD).No.20591 of 2015

14.02.2023  
(2/2)