



W.P(MD)No.26145 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26145 of 2023

and

W.M.P(MD)Nos.22500 of 2023

Arundhathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Finance (Pay cell) Department,
Secretariat, St. George Fort,
Chennai.

2.The Director of School Education,
(Higher Secondary), College Road,
Nungambakkam, Chennai-6.

3.The District Educational Officer,
Thiruppathur,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 08.02.2021 of the third respondent in O.Mu.No.480/A4/2021 and quash the same and consequently



W.P(MD)No.26145 of 2

direct the respondents to pay the benefits to which the petitioner's husband is entitled as per the G.O(Ms)No.181, dated 06.09.2013 to the petitioner.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by the wife of a deceased Physical Education Teacher seeking to quash the order passed by the third respondent herein, wherein the request of revision of pay scale by granting Selection Grade / Special Grade was rejected.

2. According to the learned Counsel appearing for the petitioner, the petitioner's husband along with others had filed W.P(MD)No.1019 of 2011 seeking a Mandamus as against the authorities to extend the benefit of G.O(Ms)No.216, Finance (PC) Department, dated 22.03.1993 and G.O(Ms)No. 270 of the same Department, dated 26.08.2010. The said writ petition was disposed of on 20.03.2012, directing the authorities to extend the said benefit within a period of three months. In compliance with the said order, the Principal Secretary of School Education Department had issued G.O(Ms)No.



181, School Education [Pa.Ka3(1)] Department, dated 06.09.2013 conferring the said benefits upon the writ petitioner's husband and 95 others.

3. The petitioner's husband had passed away on 30.04.2013. Thereafter when the petitioner had approached the Educational Authorities for conferment of the said benefit, the same has been rejected under the impugned order, dated 08.02.2021 which is under challenge in the present writ petition.

4. As it could be seen from G.O(Ms)No.181, dated 06.09.2013, already benefits have been conferred upon the petitioner's husband. However, overlooking the said Government order, the present impugned order has been passed. Therefore, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the third respondent herein. The third respondent is directed to reconsider the same in the light of the order passed by this Court in W.P(MD)No.1019 of 2011, dated 20.03.2012 and G.O(Ms)No. 181, School Education Department, dated 06.09.2013 and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order.



W.P(MD)No.26145 of 2

5. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

14.12.2023

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

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Finance (Pay cell) Department,
Secretariat, St. George Fort,
Chennai.
- 2.The Director of School Education,
(Higher Secondary), College Road,
Nungambakkam, Chennai-6.
- 3.The District Educational Officer,
Thiruppathur,
Sivagangai District.



WEB COPY



W.P(MD)No.26145 of 2

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.26145 of 2023

14.12.2023