



WEB COPY



W.P.No. 2689 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2689 of 2024

T.Kaliyaperumal

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Petitioner

Vs

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

2. The Director,
Directorate of School Education,
DPI Campus,
6, College Road, Subba Road Avenue,
Nungambakkam,
Chennai – 600 006.

3. The Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 600 009.

4. The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

5. The Director,
Adi Dravidar and Tribal Welfare Department,
Perambalur.

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Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to extend the benefit of the G.O.Ms.No.210, School Education (G2) Department dated 14.08.2009 and G.O.Ms.No.33, Adi Dravidar and Tribal Welfare Department dated 04.04.2012 in favour of the petitioner for awarding Selection/Special Grade scale of pay in the post of Middle School Headmaster by considering the petitioner's representation dated 18.11.2023 within a stipulated time frame as prescribed by this Court.

For Petitioner : Mr. R.Jayaprakash

For R1 & R2 : Mrs.S.Mythereya Chandru
Special Government Pleader

For R3 to R5 : Mr.R.L.Karthika
Government Advocate

ORDER

This Writ Petition has been filed for direction directing the respondents to extend the benefits of the G.O.Ms.No.210, School Educationa (G2) Department, dated 14.08.2009 and G.O.Ms.No.33, Adi Dravidar and Tribal Welfare Department, dated 04.04.2012.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. The petitioner was appointed to the post of Secondary Grade Teacher and he had joined the service on 11.04.1973. Thereafter, on 21.06.1978, he was promoted to the post of Elementary School Headmaster. Subsequently, he was promoted to the post of B.T.Assistant on 29.11.1985. Again, he was promoted to the post of B.T.Assistant Selection Grade with effect from 20.06.1993. Later, he was promoted to the post of Middle School Headmaster on 04.08.2000 and he was promoted to the post of B.T.Assistant Special Grade with effect from 20.06.2003. Subsequently, he was promoted to the post of Headmaster High School on 11.11.2006. He retired from service on 30.09.2007.

4. In order to comply with the order passed by the Tamil Nadu Administrative Tribunal, the Government passed G.O.Ms.No.210, School Education Department, dated 14.08.2009 stating that the order passed by the Tribunal is applicable to the said teachers, thereby the benefits of the judgment to the persons who approached the Court of law is total discrimination and the policy decision of the Government shall be extended



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to all. Several persons approached this Court seeking the relief of extending the benefits under both the Government orders. In that writ petition, the respondents states the ground that they approached the Court belatedly.

This Court, in W.P.No.27158 of 2022, held as follows :

“6. At the outset, I have to state that, I do not find any difference between those who have got orders from the Court and those who have not approached the Court for getting orders. Denial of the benefits of these two Government Orders to those who have not approached the Court is not permissible under the Scheme of our Constitution. It is not the case as though the petitioner is not entitled for the same relief. But, the relief is denied because, he has not approached the Court for obtaining any order. This reasoning stated is unreasonable and therefore, the same cannot be accepted.

7. In view of all the above, the writ petition is allowed and the respondents are directed to extend the benefits of above two Government orders to the petitioner herein also, if he is otherwise eligible. In any event, the consequential order shall be passed by the first respondent within a period of three months from the date of receipt of a copy of this order. No costs.”



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5. In view of the above, the respondents 3, 4 and 5 are directed to consider the request made by the petitioner dated 18.11.2023 seeking benefits under G.O.Ms.No.210, School Educational (G2) Department, dated 14.08.2009 and G.O.Ms.No.33, Adi Dravidar and Tribal Welfare Department, dated 04.04.2012, and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Speaking Order: Yes
Lpp

To

1. The Secretary to Government,
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2. The Director,
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DPI Campus,
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Nungambakkam, Chennai – 600 006.

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3. The Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 600 009.

4. The Director,
Adi Dravidar and Tribal Welfare Department,
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Chennai – 600 005.

5. The Director,
Adi Dravidar and Tribal Welfare Department,
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