



W.P.No.28536 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.28536 of 2011
and
M.P.No.1 of 2011

K.Venkatasamy ... Petitioner
Vs.

1. The State of Tamil Nadu,
Rep.by the Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.
 2. The Director of Elementary Education,
College Road, D.P.I.Complex,
Chennai-6.
 3. The District Elementary Educational Officer,
Erode District, Erode.
 4. The Assistant Elementary Educational Officer,
Thookanaiken Palayam Post,
Gobichettypalayam Taluk,
Erode District.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction special grade and selection grade including the combined service rendered by the petitioner from 01.01.1971 as Secondary Grade



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and Special Grade in the Cadre of Head Master Primary School with effect from 01.07.19814 and 01.07.1991 to the pre-revised scales of Rs.1640-60-2600-75-2900 and of Rs.2000-100-8000 respectively and grant all the arrears, revised benefits, with interest at the rate of 18% per annum from the dates on which the amounts became due till date of disbursement.

[Prayer amended as per Order dated 16.12.2011 by KSAJ in M.P.No.2011 in W.P.No.28536 of 2011.]

For Petitioner : Mr.M.Velan
for M/s.T.Saikrishnan
For Respondents : Mr.T.M.Rajangam

ORDER

Direction is sought for, to sanction Special Grade and Selection Grade to the petitioner counting the entire length of his service and revise his scale of pay and grant all the arrears, revised benefits with interest at the rate of 18% p.a., from the date of which the amounts became due till the date of disbursement.

2. Heard Mr.M.Velan, learned counsel appearing for the petitioner and Mr.T.M.Rajangam, learned Government Advocate appearing for the respondents.

3. The petitioner joined in service as Assistant Higher Grade Teacher (date of joining is not given). He got promoted to the post of



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Secondary Grade Teacher on 01.01.1971. He was conferred Selection Grade on 01.01.1981 and the Special Grade on 01.01.1991 in the cadre of Secondary Grade Teacher. It is his further case that thereafter he was promoted to the post of Head Master (Primary School) by an Order dated 01.07.1998 and he was transferred to Panchayat Union Elementary School, Thottamkombai on 07.07.2011. He was promoted to the post of Tamil Pandit on 22.05.2002 and transferred to the Panchayat Union Middle School, Vaniputhur and he attained superannuation and retired from that school on 30.04.2004.

4. He would further submit that prior to 01.06.1988, scale of pay for Secondary Grade Teacher and Head Master (Primary Schools) were identical (i.e.,) Rs.610 - 1075. The Secondary Grade Teachers appointed as Head Masters of Primary Schools were allowed the scale of pay in the ordinary grade, selection grade and special grade as applicable to Secondary Grade Teachers in addition to their Grade Pay. After 5th Pay Commission, the Government granted separate scale of pay as Rs.1400 - 2600 without special pay for Head Masters (Primary Schools) and scale of pay Rs.1200-2040 for Selection Grade Teachers.



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5. Due to the above upward revision of pay scales, various Associations of Teachers represented to the Government, sought for sanction for Selection Grade and Special Grade to the Head Masters of Primary Schools by counting the total years of service rendered by them in Selection Grade Teacher and Head Master of Primary Schools. The Government by its Order dated 05.10.1990 accorded sanction for Selection Grade and Special Grade pay in the revised scale to the Head Master of Primary Schools who were in the position on 01.06.1988.

6. The petitioner was promoted as Head Master w.e.f., 07.07.1998. It is pertinent to note that on the crucial date, namely 01.06.1988, he was not holding the post of Head Master Elementary School. G.O.Ms.No.234, Education Department, dated 10.09.2009 was issued only in respect of 63 persons who were working as primary school Head Masters before 01.06.1988, to grant Special Grade and Selection Grade and as ordered by the Tamil Nadu Administrative Tribunal, the said Government Order was issued. In paragraph No.2 of G.O.Ms.No.234, the said G.O., would apply only to the persons who filed applications before the Tamil Nadu Administrative Tribunal.

7. In G.O.Ms.No.270, Educational Department, dated 20.09.2010,



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the same details have been reiterated and it has been specifically stated that same benefits has to be extended only for those persons who approached the Tamil Nadu Administrative Tribunal.

8. On the crucial date, namely, 01.06.1988, petitioner was working as Secondary Grade Teacher and not as Head Master Elementary School. It is also relevant to note that on 22.05.2002, he was promoted to the post of Tamil Pandit. The petitioner's claim is that he has to be granted Selection Grade and Special Grade in the post of primary school Head Master by computing the entire service as Selection Grade Teacher and fix the Selection Grade post of primary school Head Master. The concept of granting of Selection Grade and Special Grade is when a person is stagnating in a post without promotion for more than 10 years, the person will be entitled to Selection Grade and if an employee is stagnating in a same post for more than 20 years without any promotion, then the person is entitled to Special Grade Pay. The petitioner was rightly awarded Selection Grade on 01.01.1981 and awarded Special Grade in the cadre of Secondary Grade Teacher on 01.01.1981. Thereafter, he was promoted to the post of Head Master, Primary School on 01.07.1988. Thereafter, he was promoted as Tamil Pandit on



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22.05.2002. Therefore, there is no question of any stagnation in the post of Head Master (Primary School) for 10 years. Hence, the petitioner is definitely not entitled to any Selection Grade or Special Grade.

9. Based on the aforesaid submissions and discussions, petitioner has not made out his case. Hence, this writ petition stands dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Neutral Citation Case : Yes / No
Speaking Order / Non-Speaking Order
ssn

To

1. The Secretary,
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Chennai-600 009.
2. The Director of Elementary Education,
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Chennai-6.

R.KALAIMATHI, J.,

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3. The District Elementary Educational Officer,
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