



WEB COPY

W.P.No.22645 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.22645 of 2015

and

M.P.No.1 of 2015

A.Ramalingam

... Petitioner

Vs.

1.The Government of Tamil Nadu represented
by the Principal Secretary to Government,
School Education Department,
Secretariat,
Fort S.T.George, Chennai – 600 009.

2.The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006.

3.The Chief Educational Officer,
Salem, Salem District – 636 001.

4.The Head Master,
Govt. Higher Secondary School
Deviyakurichi – 636 112.
Aathur Taluk, Salem District.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus to call for the entire records
pertaining to the order in Government Letter No.9495/Ne.Va.1(2)/2015-1



dated 08.04.2015 of the 1st respondent herein and quash the same and further directing the first respondents herein, to award pay protection in the category of Middle School Head Master with effect from 01.10.1970 and award Special Grade Middle School Head Master Pay notionally with effect from 01.10.1984 and the monetary benefit of Special Grade Middle School Head Master Pay with effect from 01.04.1986 by following G.O.784 dated 14.05.1979 and G.O.Ms.No.1436 Education Department dated 05.10.1989 and allow him Special Grade in the said scale with effect from 01.10.1984 notionally and with monetary benefit from 01.04.1986 as per G.O.Ms.No.1652 Education Department dated 26.10.1987 and Government Letter Lr.No.149 Education Department dated 02.02.1989 and grant him all the consequential benefits.

For Petitioner : Mr.K.Thennan

For Respondents : Mr.K.H.Ravi Kumar
Government Advocate.

ORDER

This writ petition has been filed seeking certiorarified mandamus calling for the records pertaining to Government Letter No.9495/Ne.Va.1(2)/2015-1 dated 08.04.2015, whereby the claim of the petitioner for extending the benefit of G.O.Ms.No.784, Rural Development and Local Administration Department, dated 14.05.1979 read with G.O.Ms.No.1178, Education Department, dated 22.12.1993 was negatived.



2. The brief facts that are relevant for disposal of this writ petition are as under:

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2.1. The petitioner herein having been initially appointed as Higher Grade Teacher and served as Elementary School Head Master from 01.08.1963 to 10.06.1968 and thereafter, promoted to the post of Middle School Head Master (Secondary Grade) on 11.06.1968 and worked as such till 31.07.1978. It was thereafter, the petitioner was promoted to the post of Grade I Tamil Pandit from the post of Middle School Head Master (Secondary Grade) on 01.08.1978 and thereafter, retired from service on 31.05.1998 as Tamil Pandit.

2.2. While so, it was in the year 2011, the petitioner made a claim for extending the benefit of G.O.Ms.No.784, dated 14.05.1979 on the ground that the persons who worked as Middle School Head Master as on 01.10.1970 was conferred with certain benefits under G.O.Ms.No.784 dated 14.05.1979 and by virtue of the said benefit they were also granted the benefit of selection grade in terms of G.O.Ms.No.1178, Education Department, dated 22.12.1993 and thereby, they have been drawing more pay than the petitioner herein. The said claim of the petitioner was negated by passing impugned order on the ground that the petitioner was never reverted



from the post of Middle School Head Master and he was promoted to the post of Grade I Tamil Pandit drawing the equal pay to that of Middle School Head Master.

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3. Heard Mr.K.Thennan, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the respondents.

4. This Court has carefully considered the submissions made on either side and also perused the entire materials available on record.

5. The petitioner is claiming the benefit of G.O.Ms.No.784 dated 14.05.1979 by placing reliance on paragraph No.4(d) of the said Government order, which reads as under:

“4).....

(d) A Secondary Grade teacher who acted as Headmaster Middle School on 01.10.1970 but not senior enough to be promoted as Headmaster, Middle School as on 01.10.1970 may be reverted as Headmaster, Primary School or as Secondary grade Assistant on 01.06.1979 according to seniority by he should be allowed to draw pay in the scale of pay admissible to the Headmaster Middle School after his pay is regulated as per the Government Order seventh read about Headmaster Middle School after his pay is regulated as per the Government Order seventh read about However arrears of pay should be allowed only



for the period during which be actual (B) and (C) in the Annexure). He shall No be allowed to draw the special pay attached to the post of Headmaster Middle School a reversion. The service put in by him as Headmaster and Selection Grade Teacher in the Headmaster's Scale of pay after reversion shall count as service in selection grade teacher post of purposes of advancement to special grade.”

6. As already noted above, the petitioner herein who worked as a Middle School Head Master from 11.06.1968 to 31.07.1978 was promoted to the post of Grade I Tamil Pandit on 01.08.1978 and thereafter, retired from service on attaining the age of superannuation on 31.05.1998. The benefit of the above paragraph of G.O.Ms.No.784, dated 14.05.1979, is available only to those of Secondary Grader Teachers who acted as Middle School Head Masters on 01.10.1970 and were reverted on 01.06.1979, either as Primary School Head Masters or as Secondary Grade Assistants. The petitioner is not the one falling under the said category or satisfying the requirement of the above paragraph.

7. The petitioner, while working as a Middle School Head Master till 31.07.1978, availed the benefit of promotion as Grade I Tamil Pandit on 01.08.1978. Therefore, the question of facing reversion as on 01.06.1979 either to the post of Primary School Head Master or Secondary Grade



Assistant never arose. Unless and until the petitioner satisfies all the requirements and conditions stipulated under the above paragraph No.4(d) of G.O.Ms.No.784, dated 14.05.1979, the petitioner cannot make a claim for extending the said benefit through G.O.Ms.No.1178 dated 22.12.1993. Further, those class of persons who were extended the benefit of G.O.Ms.No.784 are only allowed the benefit of granting selection grade. As the petitioner is found to be not entitled for the benefit of G.O.Ms.No.784 itself, the question of petitioner being extended for the benefit under G.O.Ms.No.1178 dated 22.12.1993 also does not arise.

8. Some of the persons who are similarly situated like the petitioner and working as Middle School Head Master as on 01.10.1979 may be drawing a higher pay than the petitioner by virtue of the benefit granted to them in terms of G.O.Ms.No.784, dated 14.05.1979 read with G.O.Ms.No.1178 dated 22.12.1993. But, that does not, by itself, make the petitioner entitle for the benefit. The petitioner, even before issuance of G.O.Ms.No.784 dated 14.05.1979, has chosen a different line and availed the benefit of promotion as Grade I Tamil Pandit on 01.08.1978 and pursued his service prospects in that line. Therefore, the question of petitioner being



entitled for the benefit as is being claimed under G.O.Ms.No.784 dated 14.05.1979 and the consequential G.O.Ms.No.1178 dated 22.12.1993 does not merit consideration.

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9. Be that as it may, the benefit that is being claimed by the petitioner relates back to the year 1979. The petitioner retired from service on 31.05.1998. For the first time, the petitioner made a claim for extending the benefit, as is being claimed only in the year 2011, that is, after a lapse of 23 years since the date of his superannuation from service. Thus, the relief sought in this writ petition also suffers in the vice of delay and laches.

10. In the light of the above, this Court does not find any merit in the writ petition and the same is accordingly, dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

13.12.2024

dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



MUMMINENI SUDHEER KUMAR, J.

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