



W.P.No.16620 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.06.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.16620 of 2016

V.Thiyagarajan

... Petitioner

-VS-

The Director of Elementary Education,
College Road,
Chennai – 600 006.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records which culminated in issuing the proceedings in Na.Ka.No.28340/D.4/2015 dated Nil.01.2016 on the file of the respondent, quash the same and consequently direct the respondent to pass appropriate orders to give effect to the order passed in G.O.Ms.No.62, Finance (CMPC) Department dated 09.03.2015 and to confer all consequential benefits to the petitioner, including enhanced pensionary benefits and arrears thereof, within a time limit.



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For petitioner : Mr.P.Ganesan

For respondent : Mrs.P.Rajarajeswari,
Government Advocate

ORDER

In this writ petition, the petitioner seeks to quash the impugned order passed by the respondent which was signed in the month of January 2016.

2. The learned counsel for the petitioner would submit that the following dates and events, as provided by him, would set out the petitioner's case in a nutshell.

<i>DATES</i>	<i>EVENTS</i>
28.07.1960	Petitioner joined as Higher Grade Teacher
01.04.1974	Petitioner was conferred with selection grade in the cadre of Higher Grade Teacher
01.06.1988	Petitioner was conferred with special grade in the cadre of Higher Grade Teacher
01.09.1984	Petitioner was promoted as Secondary Grade Teacher. On the same day, he was conferred with selection grade in the cadre of Secondary Grade Teacher as per G.O. Ms. No.210 dated 11.03.1987 and as per G.O. Ms.No.375 dated 22.10.1983.
22.03.1993	Government issued G.O.Ms No.216, Finance (Pay Commission) Department thereby the Secondary



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DATES	EVENTS
	Grade Teachers employed in High Schools/ Higher Secondary Schools were made eligible for the scale of pay on par with the Primary School Headmasters by counting their entire length of service by awarding selection grade/special grade pay prior to 01.06.1988.
01.09.1994	Petitioner was conferred with special grade in the cadre of Secondary Grade Teacher
31.12.1998	Petitioner retired from service
09.03.2015	Government issued G.O.Ms.No.62 whereby the secondary grade teachers in all schools were made eligible for conferment of selection grade/special grade scales of pay as indicated in G.O.Ms.No.304 dated 28.03.1990.
11.04.2015	Petitioner submitted a representation seeking to extend the benefits of G.O.Ms.No.62 dated 09.03.2015
16.04.2015	Fifth respondent sought clarification from the Government as regards extending the benefits of G.O.Ms.No.62 dated 09.03.2015
06.05.2015	Petitioner submitted another representation reiterating his request to extend the benefit of G.O.Ms.No.62 dated 09.03.2015
26.06.2015	In response to an application dated 12.06.2015 submitted by the petitioner invoking Right to Information Act, the Public Information Officer attached to the office of the fifth respondent herein informed that certain clarifications were sought from the government with respect to extending the benefits of G.O.Ms.No.62 dated 09.03.2015 and the government is yet to clarify the position.
Sept 2015	Petitioner filed WP.No.31220 of 2015 before this



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DATES	EVENTS
	Court for a mandamus directing the respondents to give effect to the order in G.O.Ms.No.62, Finance (CMPC) Department dated 09.03.2015 and to confer all consequential benefits to him by considering the representations dated 11.04.2015 and 06.04.2015 in the light of communication dated 16.04.2015 of the fifth respondent
15.10.2015	WP.No.31220 of 2015 was disposed of by this Court with a direction to the respondent to consider the claim of the petitioner
Nil.01.2016	Respondent passed the impugned order rejecting the claim of the petitioner

3. The learned counsel for the petitioner would submit that by the impugned order, the respondent is trying to introduce a new qualification in the form of educational qualification in order to avail the benefits of the Government Order in G.O.Ms.No.62, Finance (CMPC) Department dated 09.03.2014 preceded by G.O.Ms. No.216, Finance (Pay Cell) Department dated 22.03.1993. The petitioner would submit that G.O.Ms.No.62, *supra* had made the Secondary Grade Teachers in all schools eligible for conferment of Selection Grade / Special Grade scales of pay as indicated in



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G.O.Ms.No.304, Finance (Pension Cell) Department, dated 28.03.1990. The request of the petitioner was kept pending by the respondent on the ground that a clarification has been sought from the Government regarding G.O.Ms.No.62, *supra* and the Government was yet to clarify the same.

4. While so, the impugned order has been passed stating that the petitioner does not possess the educational qualification for being promoted as the Primary School Headmaster since the qualification required is a pass in SSLC and a Trained Teachers Certificate of the Secondary Grade or a Senior Grade Basic Training Teachers Certificate awarded by the Government of Tamil Nadu or its equivalent, whereas, the petitioner possessed only a ESSLC pass and held a Junior Grade Basic Certificate and Short Time Training from SCERT. Therefore, the petitioner who cannot be given promotion as a Primary School Headmaster, was not entitled to the benefits as per G.O.Ms.No.62, *supra*.



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5. A perusal of Clause 7 (1) of G.O.Ms.No.62, *supra*, spells out the object / reason for the Government Order. This Government Order has been passed since there is no avenue for promotion in respect of the Secondary Grade Teachers in High Schools / Higher Secondary Schools which avenue is available to the Secondary Grade Teachers in Primary Schools and in order to maintain uniformity in the Selection Grade / Special Grade scales of pay of the Secondary Grade Teachers, the Government made it clear that the Secondary Grade Teachers in all schools would be made eligible for the Selection Grade / Special Grade scales of pay as set out in the Annexures to the Government Order namely G.O.Ms.No.304, *supra*.

6. Further, a reading of the impugned order would clearly show the non-application of mind on the part of the respondent. The petitioner has not sought for promotion to the grade of Headmaster



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of Primary School. The petitioner has only sought for conferment of pay on par with the Primary School Headmaster as provided in the Government Order. Therefore, the dismissal of the petitioner's request on the basis that he lacks the educational qualification for promotion totally overlooks his qualification as per G.O.Ms.No.62, *supra*.

7. The impugned order is, therefore, quashed and the respondent is directed to confer all the consequential benefits to the petitioner, including enhanced pensionary benefits and arrears, within a period of 12 weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition stands allowed.

No costs.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

The Director of Elementary Education,
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P.T.ASHA, J.,

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