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W.P.No.6135 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.6135 of 2020

C.Ramachandran

Vs

....Petitioner

1. The Government of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.
2. The Director of School Education,
College Road,
Chennai – 600 006.
3. The Branch Officer
Office of the Accountant General
(Accounts & Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai – 600 018.
4. The Chief Educational Officer,
Vellore,
Vellore District.
5. The District Educational Officer,
Vellore, Vellore District.
6. The Headmaster,
Government High School,
Karnampet – 632 519,
Vellore District.

....Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records relating to the orders of the 3rd Respondent in his proceedings in No.P10/2/11019789/ADK dated 11.10.2017 and quash the same and direct the respondents to revise and pay the pension based on the proposal of the 6th respondent made in his proceedings in Na.Ka.No.136/2017 dated 20.07.2017 and as per the G.O.Ms.No.202, School Education (G2) Department dated 24.09.2008 with all consequential monetary benefits.

For Petitioner : Mr. A.A.Kaizer
For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

The present Writ Petition has been filed challenging the rejection order passed by the Accountant General dated 11.10.2017.

2. The learned counsel for the petitioner would vehemently submit that the petitioner was initially appointed as Higher Grade Teacher on 23.07.1968 and thereafter promoted to Secondary Grade Teacher on 10.03.1970 at Arakkonam Panchayat Union. Again on 06.02.1993 he was posted as Elementary School Headmaster at Katpadi Panchayat Union. While he was serving in the said post, he opted to work as Secondary Grade Teacher and thereby transferred to Karnampet Panchayat Union Middle School as Secondary Grade Teacher. During such time, since the



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Middle School was upgraded as High School, his cadre was absorbed into the High School and since then he was working in that post and superannuated on 31.01.2005.

3. It is the further submission of the learned counsel for the petitioner that, Government has passed G.O to set right the anomaly between the Elementary School Headmaster and Secondary Grade Teacher by way of G.O.Ms.No.202, School Education dated 24.09.2009 and in accordance with the above G.O, petitioner's pension has to be regulated and he would contend that, the above G.O is squarely applicable to the petitioner, whereas, without any basis, the Accountant General of Tamil Nadu has returned the proposal by stating that the above G.O is not applicable to the petitioner and directed the petitioner to seek clarification from the Government in this regard.

4. Per contra, the learned Additional Government Pleader would contend that, the very G.O is not applicable to the petitioner on the simple ground that, the moment he absorbed as High School Teacher, he would automatically come under the Secondary Education Unit and would lose all his entitlement in the Elementary School Education. Therefore, the



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Government Pleader would strongly object the contentions raised by the learned counsel for the petitioner.

5. I have given my anxious consideration to the either side submissions.

6. The simple point to be considered in the present case is the applicability of G.O.Ms.No.202, School Education dated 24.09.2009 to the petitioner. It is the submission of the learned counsel for the petitioner that, since he served as Elementary School Headmaster, though he was subsequently transferred to Secondary Grade Teacher, it was based upon the administrative reason and therefore, the very G.O is applicable to the petitioner and therefore the order of the Accountant General is irrational. However, it is pertinent to mention here that, the Accountant General directed the petitioner to seek a clarification from the Government, whereas the Government while filing the counter statement in para(6) stated as follows:

It is submitted that perusal of G.O.Ms.No.202, School Education, dated 24.09.2008 reveals that to avail the benefit of the said G.O. two conditions have to be satisfied. First



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condition is that the individual should have acted as Headmaster of Elementary School before 01.06.1988 and the Second condition is that the individual, on transfer from one School in a Panchayat Union in to another school in another Panchayat Union school have acted as Secondary Grade Teacher in the transferred Union. In the instant case, the petitioner was posted as Secondary Grade Teacher on 10.03.1970 at Panchayat Union Middle School, Arakonam Panchayat Union. Thereafter, the petitioner was promoted as Elementary School Headmaster 06.02.1973 and posted at Galivarthangal Panchayat Union Elementary School, Katpadi Panchayat Union, Vellore District. Thereafter on 10.02.1973, the petitioner was transferred and posted as secondary Grade Assistant Teacher in the Panchayat Union, Karnampet Middle School, Katpadi Panchayat Union. The Karnampet Panchayat Union Middle School was upgraded as Government High School on 06.08.1980. In TamilNadu Elementary Education and Secondary Educations are entire two separate units with different administrative structures. If any Secondary Teacher who was working in Panchayat Union Middle Schools once opted to continue his service in upgraded High School, Automatically he comes under the Secondary Education unit and loses all his entitlements in Elementary Education. So the petitioner has not satisfied the Second Condition stipulated in the said G.O.Ms.No.202 to avail the benefits in the said Government Order and Further the Said Government Order is not applicable to the petitioner.



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7. According to the counter statement, the moment petitioner was absorbed into the High School, he would loose all entitlement under Elementary Education. When the Government has taken a specific stand that the petitioner is not eligible, this Court do not find any infirmity in returning the proposal of the petitioner dated 11.10.2017.

8. In the result, this Writ Petition is dismissed. No costs.

23.10.2024

Index :Yes/No
Neutral Citation : Yes
Speaking order : Yes
Sma



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