



W.P. No.5279 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.5279 of 2015

A.Devasundari

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. By its Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009.

2.Director of Elementary Education,
College Road, Chennai-600 006.

3.District Elementary Educational Officer,
Vellore District, Vellore.

4.Additional Assistant Elementary Educational Officer,
Kaveripakkam Union, Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first Respondent in G.O.Ms.No.179, School Education Department dated 06.09.2013 and quash the same insofar as it restricts the benefit only to the persons who have approached the Court and got order is concerned and direct the Respondents to extend the benefit to the petitioner's husband's entire length of service both in the cadre of Secondary Grade Teacher and Headmaster of Elementary School and



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Middle School and sanction Selection Grade and Special Grade to the petitioner's husband in the cadre of Headmaster of Elementary School and Middle School counting the entire length of service and confer all the consequential benefits.

For Petitioner : Ms.U.Ramya
for Mr.S.R.Bharath Kumar

For Respondents : Mr.M.Rajendiran
Additional Government Pleader

ORDER

The writ petition is filed praying for a writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first Respondent in G.O.Ms.No.179, School Education Department dated 06.09.2013 and quash the same insofar as it restricts the benefit only to persons who have approached the Court and extend the benefit to the petitioner's husband taking into account his entire length of service both in the cadre of Secondary Grade Teacher and Headmaster of Elementary School and Middle School and sanction Selection Grade and Special Grade to the petitioner's husband in the cadre of Headmaster of Elementary School and Middle School and confer all the consequential benefits.



2. It is submitted by both the learned counsel for the petitioner and the

Respondent in unison that the above Government Order in G.O.Ms.No.179

dated 06.09.2013 was considered by this Court in W.P.Nos.12092 of 2014

and etc., batch wherein the following directions were issued:

“42. Accordingly, the following directions are issued:

(i) The G.O.Ms.No.179, School Education Department, dated 6.9.2013 is upheld;

(ii) The benefits granted in G.O.Ms.No.179, School Education Department, dated 6.9.2013, to be implemented scrupulously in its terms and conditions to all the employees who have served in the same cadre and who are placed similarly;

(iii) If any double selection grade or double special grade was granted on account of an administrative error, the respondents are at liberty to rectify the errors in granting revision of pay and accordingly, fix the correct scale of pay as per the said Government Order;

(iv) If the revision of pay is not extended to the similarly placed persons, then the respondents are directed to grant the revision of scale of pay to all the similarly placed employees as per G.O.Ms.No.179, School Education Department, dated 6.9.2013. In this regard, the Director of Elementary School Education, is directed to prepare consolidated instructions with clear illustrations and communicate the same to all the subordinate officials, so as to avoid discrepancies and inconsistencies in respect of the implementation of G.O.Ms.No.179, School Education Department, dated 6.9.2013;

(v) The Government, in paragraph 18 of its counter-affidavit, has narrated the statistics about the expenditure to



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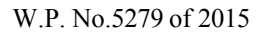
be incurred and the same is extracted in paragraph-38 of this judgment. In view of the financial stress, the Government shall calculate and revise the pension and family pension in respect of those who expired, based on the revised scales of pay in terms of G.O.Ms.No.179, School Education Department, dated 6.9.2013 and the arrears and the consequential monetary benefits would be payable on and from 1st January, 2018;

(vi) If any wrong fixation is done after the consolidated instructions are issued, then the Government as well as the Director of Elementary School Education, have to initiate appropriate disciplinary proceedings against the officials, who have violated the Court orders and the Government instructions, in this regard;

(vii) These directions are issued to provide a quietus to the issue and to the irregularities, discrepancies and inconsistencies caused on account of erroneous implementation of various Government Orders issued in this regard by the Government. Thus, an uniform implementation is to be made by the officials without giving any room for any discriminations and confusions in future and thereby to ensure that the officials have to implement the orders in its letter and spirit and scrupulously and to avoid financial loss to the State Exchequer.

(viii) The said exercise shall be done by the respondents, within a period of six months from the date of receipt of a copy of this order.”

3. The above order was challenged in W.A.Nos.1216 and 1222 of 2021 and the same was affirmed. As a matter of fact, the learned Division Bench has also observed as under and thereafter proceeded to find that the



“18. The Government has the authority to fix a cut-off date for granting selection and special grade benefits, considering the financial strain it would face otherwise. The principle of equality does not require the benefits to be extended beyond the cut-off date, especially when it would impose a significant burden on the State. As per the clear and unambiguous provisions of the said Government Order, the appellants, who were promoted as Primary School Headmasters after 31.12.1995 and have not worked as Primary School Headmasters for the period from 01.06.1988 to 31.12.1995, are not entitled to the benefits of selection grade and special grade in the post of Primary School Headmaster. On a careful consideration of the arguments and the relevant legal provisions, this Court finds that the rejection order passed by the respondent department is perfectly valid and finds no force on the contention of the learned counsel for the appellants for claiming benefits as per G.O.Ms.No. 179, School Education Department, dated 06.09.2013.”

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Bench, which is not objected to by the learned counsel for the Respondents.

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5. In view thereof, the writ petition is disposed of with a direction to the Respondents to consider the claim of the petitioner in terms of the directions of the Division Bench, as expeditiously as possible. No costs.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

- 1.The Secretary to Government,
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Fort St.George, Chennai-600 009.
- 2.Director of Elementary Education,
College Road, Chennai-600 006.
- 3.District Elementary Educational Officer,
Vellore District, Vellore.
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MOHAMMED SHAFFIQ, J.

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