



WA No.2065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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- 1.The Government of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 3.The Joint Director of Elementary Education,
College Road,
Chennai -600 006.
- 4.The District Elementary Educational Officer,
Perambalur District,
Perambalur.

... Appellants

versus

M.Sulthan Mohamed

...Respondent

PRAYER: Writ Appeal filed against the order of the learned Single Judge



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in WP No.14267 of 2014 dated 19.12.2022.

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For the Appellants

:Mr.U.M.Ravichandran
Special Government Pleader

For the Respondent

:Mr.R.Saseetharan

JUDGMENT

(Delivered by *the Hon'ble Acting Chief Justice*)

This Writ Appeal is filed against the order of the learned Single Judge in WP No.14267 of 2014 dated 19.12.2022.

2. The grounds raised in the writ appeal is that G.O.Ms.No.1366 Education Department dated 05.09.1996 raises the qualification from E.S.L.C. to SSLC for the post of Craft Instructor i.e. Pre-Vocational Teacher to get Secondary Grade Scale of pay in High Schools and the respondent was working as Pre-Vocational Instructor in the Panchayat Union Commissioner, Alathur Panchayat Union, which is a middle school. According to the appellant Department, Government Letter (Ms) No.48, School Education, dated 13.04.2005 is only applicable to high schools. Therefore, there is no nexes with the respondent to claim higher scale of pay



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as well as fix the last pay drawn for pensionary benefits.

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3. When this Court has specifically pointed out to the learned Special Government Pleader that G.O.Ms.No.1366, Education Department dated 05.09.1996 will apply to the present case, the State Government Pleader is not in a position to clarify as to how G.O.No.1366 dated 05.09.1996 will not apply to the respondent.

4. Though the appellant department has raised the aforesaid ground in the present appeal, the Department did not clarify as to how the said Government order in G.O.(Ms) No.1366, dated 05.09.1996 will not apply to the facts of the present case.

5. We have also gone through G.O.(Ms) No.1366 Education Department, dated 05.09.1986, which clearly states that the Craft teachers with the S.S.L.C. qualification shall be allowed Secondary Grade scale of pay of Rs.610-20-730-25-955-30-1075 irrespective of the fact, whether they are working in middle/High Schools. The unqualified craft teachers that is



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with the VIII std, qualification, shall be allowed time for a minimum period of three years to qualify themselves and after that they shall be allowed Secondary Grade Scale of pay of Rs.610-20-730-25-955-30-1075.

6. In the present case, the respondent herein has passed SSLC in the year 1994 and therefore by relying upon Government Letter (Ms) No.48, School Education Department dated 13.04.2005, the appellant department cannot say that G.O.Ms.No.1366 dated 05.09.1966 will not apply to the present case. Further, the appellant department has not given all details, which are raised in the grounds and the learned Special Government Pleader is also not in a position to give details before this Court to establish that the Government Order in G.O.Ms.No.1366, dated 05.09.1996 will not apply to the facts of the case. Therefore, only G.O.Ms.No.1366 dated 05.09.1966 will apply to the present case. In such circumstances, we have no other option except to dismiss the writ appeal with cost of Rs.10,000/- payable to the respondent.

7. Accordingly, the writ appeal is dismissed with a cost of Rs.10,000/-



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payable to the respondent. Consequently, C.M.P.No.14622 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B., J.)
02.09.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

THE HON'BLE ACTING CHIEF JUSTICE
and



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P.B. BALAJI, J.

(mrn)

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