



W.P.No.15274 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.15274 of 2020

R.N.David Maria Nayagam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
D.P.I. Compound,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Villupuram, Villupuram District - 605 602.
4. District Educational Officer (D.E.O),
Tindivanam, Villupuram District.
5. The Headmistress,
Government High School,
Ulagapuram, Vanur Taluk,
Villupuram District.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent particularly the 3rd, 4th and 5th Respondents to initiate early action on the petitioner's representations followed by legal notice and to grant selection grade Physical education teacher with effect from 10.06.2018 with all attendant benefits attached thereto.

For Petitioner : Mr.C.Johnson

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to issue a direction to the 3rd Respondent to pass orders, sanctioning selection grade to the petitioner for completion of 10 years of service as on 10.06.2018.

2. Heard Mr.C.Johnson, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader appearing for the Respondents.



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3. Mr.P.Gurunathan, learned Additional Government Pleader appearing for the Respondents submitted that the proposal sent by the 3rd respondent to Government for issuing orders as to the sanction of selection grade has been rejected for the following reasons:

“6. It is further respectfully submitted that in the meantime, the Petitioner had completed 10 years of service and applied for the award of selection grade. The proposal was submitted to the 3rd Respondent by the 5th Respondent. The said proposal was returned by the 3rd Respondent vide A. Thi.Mu. No.3583/E3/ 2020 dated 18.08.2020 stating that (i) in accordance with the orders contained in para 7 (iii) of G.O. Ms. No.177, School Education dated 13.10.2016 the incentive increment for M.Phil degree was not sanctioned from 13.10.2016 (i.e. the date of enactment of the said G.O.) instead that the incentive increment was sanctioned from 10.03.2009 (i.e. the date of passing M.Phil degree). (ii) The individual has acquired the M.Phil., degree only after joining in Government service (i.e. during the month of March 2009) Hence the order of prior permission obtained from the officer to study the higher education of M.Phil., degree should be enclosed (iii) Further it is not recorded in his service register that the kind of leave availed by him for written the



examination of such higher education (iv) The Headmaster concerned is requested to resubmit the proposal after rectifying the discrepancies pointed therein. The above said remarks were communicated to the Petitioner and he has received on 01.09.2020. Till date the Petitioner has not given any reply to resubmit the proposal to the 3rd Respondent after rectifying the defects. Instead of rectifying the discrepancies, the Petitioner had filed this writ petition unnecessarily. The Petitioner had evaded the facts and given wrong statement in the affidavit and blamed the Respondents that due to inaction of them selection grade was not awarded to him.”

4. The learned Additional Government Pleader submitted that though the above terms have been communicated to the petitioner, till date the petitioner did not give any reply to re-submit the proposal.

5. In reply Mr.C.Johnson, learned counsel for the petitioner submitted that the proposal is only with regard to the sanctioning of increment that has been granted for acquiring M.Phil Degree. It is further submitted that the third respondent who has to sanction the selection grade, need not forward the file to the Government unnecessarily. If any excess



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payment is made to the petitioner by way of sanctioning any undue increment for which the petitioner is not entitled to, that ought to have been initiated separately. And that should not be a bar for granting selection grade on completion of 10 years of service.

6. In this regard, the petitioner is at liberty to submit a fresh representation to the 3rd respondent and the 3rd respondent is directed to pass orders on merits and in accordance with law, within a period of four weeks from the date of the representation of the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs.

06.02.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

R.N.MANJULA ,J.



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vum

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To:

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