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W.P.No.43051 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM :

THE HONOURABLE DR. JUSTICE D.NAGARJUN

W.P.No.43051 of 2016

Geethalakshmi

....Petitioner

Vs.

1. The District Elementary Educational Officer
Office of the District Elementary Educational Officer
Tiruvannamalai

2. The Assistant Elementary Educational Officer
Office of the Assistant Elementary Educational Officer
Thandrampattu
Tiruvannamalai

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the representation of the Petitioner dated 23.03.2015 for grant of selection and special grade to the petitioner by taking into consideration of the service rendered by her as Primary School Head Master and accordingly re-fix her pay within the stipulated time.

For petitioner	:	Mr.N.Umapathi
For respondent	:	P.Rajarajeswari
		Government Advocate

ORDER

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The Writ Petition is filed seeking for Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 23.03.2015 for grant of selection and special grade to the petitioner by taking into consideration, the service rendered by her as Primary School Headmaster and re-fix the pay.

2. The facts in brief as per the affidavit enclosed in this writ petition are as follows:

2.1. The Petitioner was appointed as Secondary Grade Teacher on 30.11.1988 at Pulliyampatti Panchayat Union Primary School at Kolunthampattu, Tiruvannamalai District. She was awarded selection grade on 30.11.1998. Subsequently she was promoted as Headmaster of Primary Elementary School on 24.12.2004 and later promoted as Graduate Assistant on 01.06.2008 finally promoted as Panchayat Union Middle School Headmaster on 01.06.2009.

2.2. The petitioner has requested to fix his pay as per G.O.Ms.No.234 dated 10.09.2009 by counting the entire length of service as Elementary School Headmaster for counting the selection grade and special grade. The State Government has issued instruction in G.O.Ms.1381 dated 05.10.1990 in



granting of selection grade and special grade to the employees working in Primary School Headmaster by taking into consideration, the total service rendered as selection grade and special grade and Primary School Headmaster which are interchanged. The Selection grade and Special grade were given to the employees on completion of 10 years and 20 years of service respectively. The grievance of the petitioner was that, she was not given selection grade and special grade and thereby denied the benefit under G.O.Ms.No.1381 dated 05.10.1990. The petitioner has submitted a representation on 23.03.2015. However, the same was not considered.

3. The first respondent has filed counter affidavit and it is submitted by the learned counsel for the respondent that prior to 01.06.1988, the scale of pay of two categories namely Secondary Grade Teacher and Elementary School Headmaster were identical and one and the same and there was no distinction between these two categories that they were interchangeable posts, however with effect from 01.06.1988, the Elementary School Headmaster become higher category and was provided with higher scale of pay. Thereby since then, the Elementary School Headmaster is treated as promotional post and the Secondary Grade Teacher, as the feeder category.

4. Heard both sides and perused the materials available on record.



5. The petitioner is seeking to grant Selection grade and Special grade by taking into consideration all the services rendered by her as Primary School Headmaster and re-fix the pay. However it is to be seen that the petitioner has not served as Primary School Headmaster for 10 years. The petitioner has been claiming the relief sought for by the G.O.Ms.No.1381 dated 05.10.1990.

6. On representation of the various teachers Associations, the Government has issued G.O.Ms.No.1381 Education Department dated 05.10.1990 awarding Selection Grade and Special Grade to Primary School Headmasters who were holding the post as on 01.06.1988 as Headmasters of Primary School alone by counting the total services rendered by them in the post of Secondary Grade Teacher and Headmaster of Primary School prior to 01.06.1988. The persons who were holding post of Secondary Grade Teachers on 01.06.1988 and promoted as Secondary School Headmaster as on 01.06.1988, thereby filed O.As before the Tamil Nadu Administrative Tribunal to award selection grade and special grade by taking into consideration all the total services rendered by them in the post of Secondary Grade Teacher and Primary School Headmaster. Thus, the Tamil Nadu Administrative Tribunal considering O.A.Nos.2897, 3011, 3010 of 1991



dated 13.09.1991 set aside paragraphs 3 and 4 of the G.O.Ms.No.1381 dated 05.10.1990 which contains the order of the provision for awarding the Selection grade and Special grade to the Primary School Headmaster who were in position on 01.06.1988 taking into account, the services rendered by them as Secondary Grade Teacher and Primary School Headmaster and also directed the Government to re-issue orders on more rational basis. Thereafter the Government has issued revised orders in G.O.Ms.No.300 Education Department dated 17.04.1994 stating that the Selection grade and Special grade for Headmasters of Primary Schools should be granted taking into consideration, the services rendered by them as Primary School Headmaster alone.

7. If G.O.Ms.No.300 dated 17.04.1994 is taken into consideration, the petitioner is not entitled for the relief as prayed for. On account of the G.O.Ms.No.300 dated 17.04.1994, the services rendered by her in the lower post cannot be considered. the petitioner has served as Primary School Headmaster only for a period of 3 years 3 months. On perusal of the entire affidavit, the petitioner has not mentioned in anywhere that G.O.Ms.No.300 which was issued on 17.04.1994 superseding G.O.Ms.No.1318 dated 05.10.1990. The petitioner as on the date of the filing of the petition is aware



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of the fact that G.O.Ms.No.1381 dated 05.10.1990 was superseded by G.O.Ms.No.300 dated 17.04.1994. Once G.O.Ms.No.300 is complied, the petitioner is not entitled for the relief sought.

8. In view of the above discussion, the petitioner is not entitled for the relief sought for and accordingly, this writ petition is dismissed.

14.02.2024

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Index : Yes/No
Internet : Yes/No
Citation : Yes/No

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DR. D.NAGARJUN,J.



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