



W.P.No.3201 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.10.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.3201 of 2017

S.Ganesan

... Petitioner

Vs.

1.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 District Elementary Educational Officer,
Office at Collectorate,
Salem – 7,
Salem District.

4.The Principal Accountant General (A&E),
Office at Teynampet,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records which culminated in issuing the proceedings in No.PO9/1/10914874/ADK dated 28.11.2016 on the file of the fourth respondent and quash the same and



W.P.No.3201 of 2017

consequently direct the fourth respondent to accept the proposal of the third respondent herein in his proceedings Na.Ka.No.3056/A1/2016 dated 23.06.2016, refix the pay of the petitioner and to disburse the monetary benefits thereof within a time to be stipulated by this Court.

For Petitioner : Mr.P.Ganesan
For R1 to R3 : Mr.S.Prabhakaran
Government Advocate
For R4 : Mrs.Hema Muralikrishnan

* * * * *

ORDER

This Writ Petition is filed to call for the entire records which culminated in issuing the proceedings in No.PO9/1/10914874/ADK dated 28.11.2016 on the file of the fourth respondent and quash the same and consequently direct the fourth respondent to accept the proposal of the third respondent herein in his proceedings Na.Ka.No.3056/A1/2016 dated 23.06.2016, refix the pay of the petitioner and to disburse the monetary benefits thereof within a time to be stipulated by this Court.

2.The petitioner was appointed as Elementary School Headmaster in the Secondary Grade on 01.07.1966 in Kollimalai Panchayat Union Elementary School, Namakkal District. The petitioner was given selection grade and special grade on 19.10.1986 and was promoted as Middle School Headmaster on



W.P.No.3201 of 2017

01.07.1987. On 01.09.1999, the petitioner was further promoted as Assistant Elementary Educational Officer. On 14.08.2009, vide G.O.Ms.No.210 School Education Department, the Government offered special grade to 65 Middle School Headmasters, who approached the Court and obtained orders. The Government issued G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009 conferring special grade to similarly placed Middle School Headmaster's, who approached the Court and obtained orders. The petitioner retired on 30.09.2009. After retirement, he submitted a representation dated 17.08.2010 to the Government seeking the benefits of G.O.Ms.Nos.210 and 234 in his favour. While so, the Government vide G.O.Ms.No.270, School Education Department dated 20.09.2010, conferred special grade to similarly placed Middle School Headmaster. The petitioner therefore sent representation on 15.05.2015 seeking the benefit of G.O.Ms.No.1652 dated 26.10.1987. As the respondent did not consider the petitioner's representation, the petitioner filed writ petition in W.P.No.22099 of 2015 for a writ of Mandamus, directing the respondents therein to consider his representation dated 15.05.2015. On 01.07.2015, the said writ petition was disposed of by this Court, directing the respondents therein to pass appropriate orders on the representation. On 23.05.2016, the third respondent passed an order re-fixing the petitioner's pay from 01.07.1987 to 31.05.2000 and ordered to pay all consequential benefits to



W.P.No.3201 of 2017

the petitioner. The fourth respondent, on 28.11.2016 passed the impugned order returning the proposal sent by the third respondent dated 23.05.2016, aggrieved by the aforesaid order, the petitioner has filed the above writ petition.

3. The 3rd respondent filed detail counter stating that G.O.Ms.No.1652 dated 26.10.1987 was passed for the benefit of those teachers who acted as Middle School Headmaster on 01.10.1970, counting their services in Secondary Grade Assistant/ Primary School Headmaster/ Middle School Headmaster for the purpose of Selection Grade and Special Grade in Middle School Headmaster. As the petitioner was promoted as Middle School Headmaster on 27.11.1990, he had not worked as Middle School Headmaster on the cutoff date i.e. 01.10.1970, hence, G.O.Ms.No.1652 dated 26.10.1987 was not applicable to the petitioner. The 3rd respondent further submitted that persons who were found eligible were extended the benefit of Government Orders and as the petitioner was found ineligible, the Government Orders were not extended to him.

4. The 4th respondent filed detail counter stating *inter alia* that right from the date of the petitioner's retirement he was claiming fixation of his pay applicable to Special Grade Middle School Headmaster in terms of G.O.Ms.No.1652, Education Department dated 26.10.1987 and the consequent



W.P.No.3201 of 2017

fixation of pay on 01.06.1988 in the corresponding revised scale of pay of

Rs.2200-75-2800-100-4000. The 4th respondent further submitted that only teachers who acted as Middle School Headmaster on 01.10.1970 were allowed to count their services rendered in Secondary Grade Assistants/PSHM/ MSHM for the purpose of granting Special Grade and Selection Grade in MSHM, but as the petitioner had not fulfilled the conditions stipulated in G.O.Ms.No.1652, Education Department dated 26.10.1987 read with G.O.Ms.No. 1178, Education Department dated 22.12.1993, the 3rd respondent's proposal extending the benefit of G.O.Ms.No.1652 to the petitioner was rejected. As far as applicability of G.O.Ms.No.210 School Education Department dated 14.08.2009 was concerned, the 4th respondent submitted that the said G.O was issued only in respect of 65 Middle School Headmasters' who obtained favourable orders from the Court and as the order was in PERSONAM, the petitioner could not claim the benefit of the same.

5. The learned counsel for the petitioner submitted that the petitioner's representation was given claiming the benefit of G.O.Ms.No.1652. But considering the fact that petitioner obtained favourable orders in W.P.No.25985 of 2014 dated 29.07.2015, the petitioner's request for extending the benefit of G.O.Ms.No.210 dated 14.08.2009 deserved to be considered favourably. The



W.P.No.3201 of 2017

learned counsel submitted that it would suffice if the 4th respondent is directed to extend the benefit of the said G.O. to the petitioner.

6. The learned counsel for the 4th respondent submitted that G.O.Ms.No.210 was issued by the Government with respect to 65 persons who approached the Court and obtained favourable orders. The learned counsel therefore submitted that as G.O.Ms.No.210 was passed 'in personam' the same could not be extended to the petitioner.

7. I have heard both the learned counsel for the petitioner and the learned Government Advocate for the respondent Nos.1 to 3 and the learned counsel for the fourth respondent and I have perused the materials placed on record.

8. It is seen from the impugned order that, it was passed on the basis that the benefit of G.O.Ms.No.1178, Education Department dated 22.12.1993 read with G.O.Ms.No.1652, Education Department dated 26.10.1987 was applicable only to those teachers who acted as Middle School Headmaster on 01.10.1970. As the petitioner did not fulfill the condition stipulated in the said G.O.'s, the proposal of the 3rd respondent extending the benefit of the said G.O.'s was rejected.



W.P.No.3201 of 2017

WEB COPY

9. The learned counsel for the petitioner at the time of hearing produced the order of this court in W.P.No.25985 of 2014 dated 29.07.2015 filed by the petitioner claiming the benefit of G.O.Ms.No.210 dated 14.08.2009. This court in the aforesaid writ petition passed the following order,

“11. For the aforesaid reasons, the impugned orders are quashed and the petitioner shall be granted Selection Grade / Special Grade pay in the post of Middle School Headmaster, by counting the service rendered as Elementary School Headmaster, from the date of his promotion to the post of Middle School Headmaster, if the petitioner was not given the same already, with all monetary benefits and the pensionary benefits with arrears within a period of four weeks from the date of receipt of a copy of this order, in the light of the aforesaid direction.”

10. The only objection to the applicability of G.O.Ms.No.210 to the petitioner is that the petitioner was not one of the 65 Middle School



W.P.No.3201 of 2017

Headmasters' for whose benefit, G.O.Ms.No.210 dated 14.08.2009 was passed.

WEB COPY In my view, as the petitioner has obtained favourable orders in W.P.No.25985 of 2014 dated 29.07.2015 the respondents in the absence of a challenge to the said order are bound to extend the benefit of G.O.Ms.No.210 to the petitioner. In the light of the order passed by this court in W.P.No.25985 of 2014 dated 29.07.2015, the order passed by the 4th respondent cannot be sustained and hence the same is quashed.

11. For the reasons discussed above, the impugned order is set aside and the fourth respondent is directed to consider the proposal of the third respondent dated 23.05.2016, in the light of the Judgment passed by this Court in W.P.No.25985 of 2014 dated 29.07.2015, within a period of four weeks from the date of receipt of a copy of this order.

12. Accordingly, the writ petition is allowed. However, there shall be no order as to costs.

22.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-speaking order
ah/dsn



W.P.No.3201 of 2017

To

WEB COURT

1. 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 District Elementary Educational Officer,
Office at Collectorate,
Salem – 7,
Salem District.
4. The Principal Accountant General (A&E),
Office at Teynampet,
Chennai – 600 006.



WEB COPY



W.P.No.3201 of 2017

N.MALA,J.

ah

W.P.No.3201 of 2017



WEB COPY



W.P.No.3201 of 2017

22.10.2024