



WEB COPY



W.A.No.2917 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2917 of 2021

1. The Government of Tamil Nadu  
Rep. by its Secretary, School Education Department  
Fort St. George, Chennai – 600 009.
2. The Director of School Education  
College Road, Chennai – 600 006.
3. The District Educational Officer  
Kuzhithurai and Post  
Kanyakumari District. .. Appellants

Vs.

1. D.Poomathy Bai
2. The Correspondent  
St. Antony's High School  
Kappukadu and Post  
Kanyakumari District. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 16.04.2014 in W.P.No.9419 of 2004

For Appellants : Mr.U.M.Ravichandran  
Special Government Pleader

For Respondents : Mr.C.K.M.Appaji  
for R1

Ms.H.Mery Sowmi Rexi  
for M/s.Issac Chambers  
for R2



W.A.No.2917 of 2021

### JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The writ order dated 16.04.2014 in W.P.No.9419 of 2004 is under challenge in the present appeal.

2. The State preferred the appeal mainly on the ground that the first respondent was admittedly appointed as a Sewing Mistress (Secondary Grade) in the Higher Grade Scale of Pay on 20.06.1977. The School was upgraded in the year 1977 as a Higher School. On such upgradation, one *Mr.Anthonymuthu*, who was already serving in the School was promoted to the post of Sewing Master in the Secondary Grade Scale of pay as per the Government Order. Sewing Mistress/Master cannot be granted Secondary Grade Scale of Pay, therefore, the first respondent was allowed to continue as Sewing Mistress in the Higher Grade Scale of Pay.

3. The first respondent filed a writ petition in the year 2004, claiming the salary applicable to the post of Secondary Grade Teacher from her initial date of appointment, i.e., from the year 1977. The Writ Court considered the relief and issued directions to sanction Secondary Grade Pay to the first respondent from 04.06.1978.



W.A.No.2917 of 2021

WEB COPY

4. We are of the considered opinion that the Teachers working in Aided Schools are governed by the Government Orders regarding sanction of Posts in a particular School. Posts are sanctioned based on the students' strength and by conducting annual inspection by the Competent Authorities of the Education Department.

5. As per the students' strength during the relevant point of time, the Aided School was eligible to have only one Sewing Mistress. However, two Sewing Mistresses were appointed by the School Management. The Education Department therefore granted Secondary Grade Scale of Pay to the promotee candidate *Mr.Anthonymuthu* and allotted Higher Grade Scale of Pay to the other teacher/first respondent.

6. Pertinently, the first respondent has neither challenged the order of appointment granting her Higher Grade Scale of Pay at the time of appointment nor has approached the Court within a reasonable period of time. The writ petition itself has been instituted after a lapse of about twenty four years, seeking retrospective monetary benefits.



W.A.No.2917 of 2021

7. Such claims cannot be entertained by the Courts and more specifically, if the claim is running counter to the guidelines issued by the Government. Thus, the order passed by the Writ Court is not in consonance with the Government Orders and the established principles.

8. Consequently, the writ order dated 16.04.2014 in W.P.No.9419 of 2004 is set aside. The writ appeal, accordingly, stands allowed. There shall be no order as to costs. C.M.P.No.19783 of 2021 is closed.

(S.M.S., J.) (C.K., J)  
15.07.2024

Neutral Citation:Yes/No

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*W.A.No.2917 of 2021*

S.M.SUBRAMANIAM, J.  
AND  
C.KUMARAPPAN, J.

(drm)

W.A.No.2917 of 2021

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