



WEB COPY



W.A.No.2093 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.2093 of 2021
and
C.M.P.No.13251 of 2021

1. The Government Of Tamil Nadu,
Rep. By Secretary,
School Education Depart,
Fort St George, Chennai - 09.

2. The Director Of Elementary Education,
College Road, Nungambakkam,
Chennai - 600006.

3. The District Elementary Educational Officer,
Villupuram, Villupuram District.

4. The Assistant Elementary Educational Officer,
Ulundurpet, Villupuram District.

5. The Assistant Elementary Educational Officer,
Thirunavalur, Villupuram District.

6. The Assistant Elementary Educational Officer,
Rishivandhiyam, Villupuram District.

... Appellants

Vs.



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1. A.Rajamanickam

2. V.Ramasamy

3. Thiru T.Gopalsami

4. Thiru G.Ambigabathi

5. Thiru A.Mahalingam

6. Thiru K.Ramalingam

7. Thiru T.Kaliyamurthy

8. Thiru D.Subramanian

9. Thiru A.Narayansamy

10. Thiru M.Venkatakrishnan

11. Thiru V.Srinivasan

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of the Letters Patent Act, to set aside the order passed in Writ Petition No.22664 of 2011 dated 10.10.2011.

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

For Respondents : No Appearance
(for R1 to R5, R8 & R9);
: R7 & R10 - Died, Steps due.
: R6 - Not Ready in Notice



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J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The present writ appeal has been filed challenging the writ order dated 10.10.2011, passed in W.P.No.22664 of 2011.

2. The Government order in G.O.Ms.No.131, Education Department, dated 05.10.1990 states that prior to 01.06.1988, the post of Secondary Grade Teacher and Primary School Headmasters were carrying identical scale of pay. The posts were interchangeable. During implementation of Fifth Pay Commission, the Government fixed a higher scale of pay to the Primary School Headmaster. Rs.1200-2040, was fixed for Secondary Grade Teachers and Rs.1400-2600, was fixed for Primary School Head Master.

3. As per the Government orders, on completion of ten (10) years of service in the post of Primary School Headmaster, Selection Grade can be awarded. However, the services rendered in the post of Secondary Grade teacher, prior to 01.06.1988, cannot be reckoned for awarding Selection Grade in the post of Primary School Headmaster, since the Fifth Pay Commission granted higher scale of pay to the post of Primary School



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Headmaster, with effect from 01.06.1988.

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4. In the present case, the claim of the respondents were considered by the Writ Court based on the earlier order passed.

5. The Division Bench of this Court considered the issues and delivered a judgement on 14.06.2024 in Writ Appeal Nos.1216 and 1222 of 2021. Prior to the Judgement, the Government issued G.O.Ms.No.234, School Education Department dated 10.09.2009. The Government issued further clarification in G.O.Ms.No.179, School Education Department dated 06.09.2013. The said Government order has been upheld by the Division Bench in the judgement cited supra.

6. The Government is empowered to fix cut-off date in pay matters. The services rendered in the post of Selection Grade Teacher cannot be counted for the purpose of grant of Selection Grade or Special Grade in the post of Primary School Headmaster since identical scale of pay, prevailed prior to 01.06.1988, was modified and higher scale of pay was fixed to the post of Primary School Headmaster with effect from 01.06.1988. Therefore, a teacher must have been completed ten (10) years of service in the post of



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Primary School Headmaster for award of Selection Grade and twenty (20)

years of service for award of Special Grade.

7. In view of the above legal position, the writ order impugned dated 10.10.2011 in W.P.No.22664 of 2011 is set aside and writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(C.K.J.,)

04.07.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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