



W.P.(MD).No.5595 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5595 of 2021

and

W.M.P.(MD)Nos.4434 and 12383 of 2021

N.Kavidha

...Petitioner

Vs.

1.The District Educational Officer,
O/o. the District Educational Office,
Karur, Karur District.

2.The Block Educational Officer,
O/o. the Block Educational Office,
Karur, Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order issued by the 2nd respondent in his proceedings in ந.க.எண். 899 / ௮2 / 2020 dated 03.03.2021 and quash the same as illegal.



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For Petitioner : Mr.Mohammed Imran,
For Ajmal Associates

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order issued by the 2nd respondent in his proceedings in ந.க.எண். 899 / அ2 / 2020 dated 03.03.2021.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner joined as Secondary Grade Teacher on 07.12.1990. On completion of 10 years of service as Secondary Grade Teacher, she was given selection grade in the post of Secondary Grade Teacher. Thereafter, she was promoted to the post of Primary School Head Master on 04.07.2005. On completion of yet another 10 years from the date of selection grade in the post of Secondary Grade Teacher, the petitioner was further accorded selection



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grade in the post of Elementary School Headmaster. After awarding selection grade in the post of Elementary School Headmaster, the impugned order dated 03.03.2021 came to be passed by the 2nd respondent, cancelling the same.

3. The learned counsel appearing for the petitioner relying upon G.O.Ms.No.210, (P&A) Department, dated 11.03.1987 submitted that the selection grade awarded to the petitioner in the post of Secondary Grade Teacher in the Middle School shall be counted for selection grade in the promoted post of Elementary School Headmaster in terms of the aforesaid G.O. and hence, the impugned order is *per se* illegal and pressed for quashing the impugned order by allowing this writ petition.

4. The 1st respondent has filed a counter affidavit and the learned Additional Government Pleader appearing for the respondents relying upon G.O.Ms.No.68, (P&A) Department, dated 23.01.1986, submitted that for advancement to Selection Grade / Special Grades, all employees, who have put in 10/20 years of satisfactory service and who satisfy all the qualifications prescribed under the Special Rules / Adhoc Rules prescribed for promotion to



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the higher post shall be eligible. However, in the instant case, even before completion of 10 years of service in the promoted post of Headmaster in Elementary School calculating the original date of awarding selection grade in the post of Secondary Grade Teacher, the petitioner has been awarded with selection grade in the post of Elementary School Headmaster and the same is not permissible in G.O.Ms.No.68 (P&A) Department, dated 23.01.1986 and pressed for dismissal of the writ petition.

5. For which, the learned counsel appearing for the petitioner drew my attention to G.O.Ms.No.210, (P&A) Department, dated 11.03.1987, which has been passed in reference with the aforesaid G.O.Ms.No.68 (P&A) Department, dated 23.01.1986 relied upon by the learned Additional Government Pleader. For better understanding, para 2 of the G.O.Ms.No.210, (P&A) Department, dated 11.03.1987 is extracted as follows:

“2. The Government after careful examination accept the recommendation of the One man Committee and direct that the service in the Selection grade of the lower post shall be counted for the Selection Grade in the promoted post provided that the Selection



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Grade scale of the lower post is identical to the ordinary Grade of the higher post, and that the concession be allowed only at the first promotion level.”

6. Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and carefully perused the materials available on record.

7. Obviously, the promotion of the petitioner to the post of Elementary School Headmaster is the first promotion. Hence, this Court is of the considered view that, in line of the mandates of G.O.Ms.No.210, (P&A) department, dated 11.03.1987, the selection grade awarded to the petitioner herein in the post of Elementary School Headmaster is in order and the same ought not to have been set aside by the 2nd respondent by the impugned order. In view of the same, the impugned order passed by the 2nd respondent, dated 03.03.2021, cancelling the Selection Grade in the post of Elementary School Headmaster, that too after 10 years from the date of grant of selection grade is hereby quashed.



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8. Accordingly, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The District Educational Officer,
O/o. the District Educational Office,
Karur, Karur District.
- 2.The Block Educational Officer,
O/o. the Block Educational Office,
Karur, Karur District.



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L.VICTORIA GOWRI, J.

Sml

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