



WP(MD) No.8387 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2024**

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.8387 of 2024

N.Venkatasthri

... Petitione

Vs.

1.The State of Tamilnadu

Represented by its

Principal Secretary to Government,

School Education Department,

Secretariat, Chennai.

2.The Director of Elementary School Education,

College Road,

Chennai - 600 006.

3.The District Educational Officer,

Dindigul District,

Dindigul.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the representation dated 11.01.2024 and to give the petitioner's the benefit of the order given by the High Court and the benefits of the G.O.(Ms).No.210 dated 14.08.2009 and G.O. (Ms).No.190 dated 12.07.2010 and fix the pay in the pay scale of Rs.2200-75-2800-100-4000 in the post of Middle School Graduate Head Master on 01.06.1988 and provide monetary benefits within a time frame fixed by this Court.

For Petitioner : Mrs.S.Devasena

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

### **ORDER**

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the respondents to consider the representation, dated 11.01.2024 and to give the petitioner the



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benefit of the order issued by the Hon'ble High Court and the benefits of the G.O.(Ms).No.210 dated 14.08.2009 and G.O.(Ms).No.190, dated 12.07.2010 and fix the pay in the pay scale of Rs.2200-75-2800-100-4000 in the post of Middle School Graduate Head Master on 01.06.1988 and to provide monetary benefits.

2. Heard Mrs.S.Devasena, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The claim of the petitioner is that from 02.10.1970 onwards the post of Middle School Headmaster became a promotional post with higher time scale of pay in elementary



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education and additional qualification B.T., B.Ed., degree was also insisted for the said post. The time scale of pay for the middle School Headmaster qualified with B.Ed., degree was higher than the Middle School Headmaster of Secondary Grade. The petitioner claims that he is qualified with B.Ed., and hence, even at that relevant point of time, he should have been given higher pay than the Secondary Grade Middle School Headmaster. Further, as per G.O.Ms.No.1383 Education (PUS-I) Department dated 23.08.1988, the Headmasters/Headmistresses of Middle Schools B.Ed., cadre were classified as Class-I category carrying a higher time scale of pay of Rs.780-35-1020-40-1385 plus special pay of Rs.35/-. Despite the petitioner has got the required qualification to get the higher pay and so far, she has not been given the said benefit. The petitioner has also given a representation, dated 11.01.2024.

5. Mrs.S.Devasena, learned counsel appearing for the petitioner has submitted that similarly placed persons who have



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already raised the issue before the Court had got favourable orders.

The Government has passed an order in G.O.Ms.No.210, School Education, dated 14.08.2009 and G.O.Ms.No.190 dated 12.07.2010 and implemented the directions of the Court.

6. Mr.M.Siddharthan, learned Additional Government Pleader for the respondents submitted that the petitioner's representation was considered and orders passed rejecting his request as he was not able to submit his Service Register book so far.

7. However, Mrs.S.Devasena, learned counsel for the petitioner submitted that no such orders have been served upon the petitioner, but SR book is available with the Department and only because of that the petitioner has been given with an arrears eligible to him on 26.03.2012 pursuant to the declaration given by him.



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**8.** The learned Additional Government Pleader for the respondents submitted that the SR book of the petitioner is not available with the respondents and hence, no such sanction and disbursal of the arrears could be made during the year 2012 as claimed by the petitioner. He further submitted that if the petitioner has produced materials to show that the SR book is still available with the respondent and not with the petitioner, the respondent shall make endeavor to trace the SR book of the petitioner and pass appropriate orders.

**9.** The Government itself has passed the Government Order only on the basis of the directions issued by this Court in respect of the concerned individuals. Hence, the respondent Government need not wait or expect that every individual should go to the Court and obtain an order. Since the entitlement has already been established by virtue of earlier Government Order issued in this regard, the petitioner's representation, dated 11.01.2024, shall be considered positively and orders shall be



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passed on its own merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

**10.** With the above directions, this Writ Petition is **disposed of.** No costs.

**10.04.2024**

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

PJL

To

- 1.The Principal Secretary to Government,  
State of Tamilnadu,  
School Education Department,  
Secretariat, Chennai.
- 2.The Director of Elementary School Education,  
College Road, Chennai - 600 006.
- 3.The District Educational Officer,  
Dindigul District, Dindigul.



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**R.N.MANJULA, J.**

PJL

Order made in  
W.P.(MD)No.8387 of 2024

Dated:  
10.04.2024