



W.P.(MD).No.14662 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 05.12.2024

ORDER PRONOUNCED ON : 11.12.2024

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.14662 of 2023
and WMP(MD).Nos.12381 & 12382 of 2023**

P.Santhanam

....Petitioner

Vs

1.The Accountant General (A&E)
Office of the Principal Accountant General (A&E)
No.361, Anna Salai
Chennai 600 018.

2.The Chief Educational Officer
Office of the Chief Educational Office
Thanjavur
Thanjavur District

3.The District Educational Officer (Elementary Education)
Office of the District Educational Office
Thanjavur
Thanjavur District

4.The Block Educational Officer (Unit-II)
Office of the Block Educational Office
Thiruppanandal
Thanjavur District

....Respondents



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Prayer : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings No.P24/2/12424470/ADK dated 23.01.2023 and quash the same as illegal and consequentially to direct the first respondent to sanction pension in the light of revised pension proposal submitted by the fourth respondent in his proceedings in Na.Ka.No.1279/A2/2022 dated 21.12.2022 and in terms of Section 19 of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973.

For Petitioner : Mr.C.Venkatesh Kumar
For M/s.Ajmal Associates

For Respondents :M/s.S.Mahalakshmi
Standing Counsel for R1

:Mr.N.Satheesh Kumar
Additional Government Pleader for R2 to R4

ORDER

The instant writ petition has been filed by a retired Headmaster of an Aided Primary School challenging the order of the first respondent dated 23.01.2023 wherein the request of the petitioner seeking benefits under G.O.Ms.No.207 School Education dated 30.09.2008 has been rejected.

(A)Factual Matrix:

2.A perusal of the averments in the writ affidavit reveal that the petitioner was appointed as a Secondary Grade Teacher on 27.02.1987 and he



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was conferred with Selection Grade on 27.02.1997. The petitioner was promoted as Headmaster of Primary School on 01.06.2000 and he attained superannuation on 30.04.2016. It is the further averment in the writ petition that when he was promoted as Primary School Headmaster, his scale of pay in the cadre of Secondary Grade Teacher (Selection Grade) and Primary School Headmaster were one and the same. Therefore, his pay should have been refixed by awarding selection grade in the cadre of Headmaster by calculating the services rendered by him in the Secondary Grade Teacher (Selection Grade). Therefore, he has made a request to the management to forward the proposal to the official respondent to refix his pay by extending the benefits in terms of G.O.Ms.No.207 School Education Department dated 30.09.2008. The management has not taken any steps till his retirement. Thereafter, the petitioner has given several representations and the last representation was given on 04.11.2022 seeking the above said benefits under G.O.Ms.No.207 School Education Department Department dated 30.09.2008.

3. Thereafter, the fourth respondent by his proceedings dated 21.12.2022 forwarded the revised pension proposal by re-fixing his pay in terms of the above said Government Order. However, the first respondent by his impugned proceedings dated 23.01.2023 has rejected the said revised pension proposal primarily on the ground that the above said Government Order is applicable only for the Panchayat Union Schools and not for Aided



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School. Challenging the same, the present writ petition has been filed.

WEB COPY (B)Contentions of the learned counsel appearing on either side are as follows:

4.The learned counsel for the writ petitioner relying upon Section 19 of Tamil Nadu Private Schools (Regulation) Act, 1973 had contended that the Primary School is receiving grant-in-aid from the State Government and the salary of the staff are paid only by the Government. Therefore, there cannot be any disparity between the Government School Teachers and the Aided School Teachers in the matter of pay scale. He had further contended that when the Tamil Nadu Revised Scale of Pay Rules 2009 is applicable to the Government Aided School, the benefit arising under the above said Government Order cannot be denied.

5.The learned counsel for the petitioner had relied upon the order passed by this Court in ***WP(MD).No.13531 of 2013 (K.Jeyaraman Vs. The Accountant General (A&E), Teynampet, Chennai)*** wherein an Aided School Teacher was granted similar benefit by way of an order dated 05.06.2013. The said order was complied by the authorities by way of proceedings dated 14.08.2014. He had further relied upon the order of the Hon'ble Division Bench in ***WA(MD).No.2857 of 2019 (The Government of Tamil Nadu, Rep.By its Secretary to Government, School Education Department,***



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Chennai and others Vs. V.N.Kalisamy and others) dated 13.07.2023 wherein the Hon'ble Division Bench had directed to disburse the benefit of salary dues as well as the pension dues to the teachers/primary school Headmaster by following G.O.Ms.No.207 School Education Department dated 30.09.2008.

6.Per contra, the learned Additional Government Pleader appearing for the respondents 2 to 4 and the learned counsel appearing for the first respondent herein have contended that G.O.Ms.No.207, School Education Department dated 30.09.2008 is applicable only to Panchayat Union Schools. The said fact has been clarified by way of Government letter dated 11.07.2017 issued by the Secretary to Government, School Education Department. They further relied upon the order of the Division Bench in Review Application(MD).Nos.90 to 95 of 2014 dated 05.02.2024 wherein the Hon'ble Division Bench was pleased to clarify that G.O.Ms.No.210 School Education(G-1) Department dated 14.08.2009 and G.O.Ms.No.234, Department of School Education(G2), dated 10.09.2009 or other subsequent orders will not apply to the Aided School Teachers.

7.The learned counsel for the respondents had further contended that the petitioner has not received any benefit under the above said G.O while he was in service. Only after retirement, the pension proposals were forwarded by the educational authority to the first respondent herein which has been rejected under the impugned order. Therefore, the question of any prejudice



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being caused to the writ petitioner by way of recovery order does not arise.

They further contended that if the claim of the writ petitioner is accepted, it will open floodgates and similarly placed persons would also make an attempt to get favourable orders causing much financial strain to the public exchequer. Hence, they prayed for dismissal of the writ petition.

8.I have considered the submissions made on either side and perused the material records.

(C)Discussion:

9.The monetary claim of the writ petitioner is solely based upon G.O.Ms.No.207, School Education Department dated 30.09.2008. A perusal of the said Government Order reveals that the benefit under the said Government Order is applicable only to those Primary School Headmasters who were promoted after 01.06.1988. A perusal of G.O.Ms.No.185 School Education Department dated 16.12.2002 reveals that the conferment of selection grade and special grade for Primary School Headmaster who were promoted after 01.06.1988 should be based upon G.O.Ms.No.212, School Education Department dated 07.08.2000.

10.A perusal of G.O.Ms.No.212, School Education Department dated 07.08.2000 reveals that the selection grade could be conferred for Primarily School Headmaster taking into consideration their services for Secondary Grade Teacher post only in cases where their special grade pay for the post of



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Secondary Grade Teacher was equivalent or higher than the promoted post. In such circumstances, the selection grade can be conferred immediately on the date on which a teacher is promoted as Primary School Headmaster. It further reveals that this conferment is for the first level promotion only.

11.It is the specific contention of the respondents that the above said G.O.Ms.No.207, School Education Department dated 30.09.2008 is applicable only to teachers working in the Panchayat Union Schools. A perusal of the clarificatory letter issued by the Secretary to Government, School Education Department dated 11.07.2017 reveals that G.O.Ms.No.207 is applicable only to the teachers working in Panchayat Union Schools and not in other schools. It is contended on the side of the petitioner that all the Government Orders relating to pay scales of Government School Teachers are applicable to Aided School Teachers in view of Section 19 of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973. However, a perusal of Section 19 of the said Act reveals that the Government has got powers to issue orders regarding service condition and pay scale of the teachers in the Aided School.

12.Series of Government Orders issued would reveal that whenever any monetary benefit is conferred upon a teacher, separate Government Orders are issued for Government Schools, Aided Schools and Panchayat Union Schools. Therefore, unless a specific Government Order is issued to



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cover the teachers working in the Aided School, the Aided School Teachers cannot automatically claim the benefit that is conferred upon the Government School Teachers or the teachers working in the Schools run by local bodies. Therefore, such a contention raised by the learned counsel for the writ petitioner is legally un-sustainable.

13.In view of the above said facts, there are no merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11 .12.2024.

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

To

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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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