



W.A(MD)No.1432 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM:

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

W.A(MD)No.1432 of 2016

A.Santhi

...Appellant

Vs.

- 1.The State of Tamil Nadu
represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai 600 006.
- 3.The District Elementary Educational Officer,
Thoothukudi,
Thoothukudi District.
- 4.The Assistant Elementary Educational
Officer,
Srivaikundam,
Thoothukudi District.



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5.The Correspondent,
T.D.T.A.Primary School,
Kaduvetti,
Srivaikkundam,
Thoothukudi District.

...Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order of this Court, dated 17.09.2010 in W.P.(MD).No.4624 of 2010.

For appellant	: Mr.S.Xavier Rajini for M/s. Isaac Mohanlal
For R1 to R4	: Mr.D.Sadiq Raja Additional Government Pleader
For R5	: No appearance

J U D G M E N T

(Order of the Court was made by V.BHAVANI SUBBAROYAN,J.)

This writ appeal has been filed against the order of the learned single Judge passed in W.P.(MD).No.4624 of 2010, dated 17.09.2010, wherein the petitioner has sought for issuance of a writ of Mandamus, directing the respondents to sanction and award forthwith Selection Grade to the petitioner in the post of Primary School Headmaster by reckoning and computing the petitioner service rendered in the cadres of Secondary Grade Teacher (04.06.1986 to 25.03.1998) and Primary School Headmaster (from 26.03.1998 onwards).



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2. The case of the petitioner is that she joined as Secondary Grade Teacher in the 5th respondent school viz., T.D.T.A. Primary School, Kaduvetti in the year 1986. Thereafter, she was promoted as Headmaster on 26.03.1998. The 5th respondent school is an aided school. The respondents awarded selection grade in the cadre of Headmaster by computing the service rendered in the cadres of Primary School Headmaster as well as the Secondary Grade (Selection Grade). This was awarded on 04.06.2006. The respondents ought to have awarded Special Grade instead of Selection Grade on the above date by computing the entire service in the above two cadres. Hence, she has made a representation to the respondents 1 and 2 for computing her past service as secondary grade teacher for the purpose of awarding selection grade and special grade in the present position as the Headmaster. But there is no response from them so far. Hence, the said writ petition has been filed. The learned single Judge of this Court dismissed the writ petition stating that the validity of the above prayers made by the writ petitioners seeking the benefit akin to the Teachers covered by the Government Order or for reviving the cause of action after three decades can never be countenanced by this Court. Challenging the same, the present writ appeal has been filed by the writ petitioner.



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3. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the appellant/writ petitioner was employed in the aided school and therefore, the Government Orders in 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 subsequent orders will not apply to the teachers, who served in the aided schools. In fact, the aforesaid G.Os' relate to the teachers, who served in Panchayat Schools at the relevant point of time.

4. In view of the above, the 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 subsequent G.Os. will not applicable to the appellant / writ petitioner as she served in the aided school. Hence, this Writ Appeal is closed. No costs.

[V.B.S.,J.] [K.K.R.K.,J.]
12.03.2024

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