



W.P.(MD)No.14687 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.14687 of 2018

M.Somu

... Petitioner

/Vs./

The Chief Educational Officer,  
Madurai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the respondent in his proceedings in Na.Ka.7264/A3/2016 dated 16.08.2017 and quash the same and direct the respondents to sanction the special grade in the cadre of secondary grade teacher with effect from 26.04.2010 with all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For Respondent : Mr.T.Amjad Khan

Government Advocate



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## **ORDER**

The issue involved in this writ petition is as to whether the employee who was working in an aided school resigns and thereafter joined government service would be still entitled for all the service benefits that he had carried on in the erstwhile school.

2. In the case on hand, the petitioner was earlier working in an aided school and he was granted selection grade, after completing 10 years of service and thereafter, he joined government higher secondary school, Kottampatti as secondary grade teacher on 08.03.2001, pursuant to an order dated 28.02.2001 and the said school is a government school. However under the impugned order, the date of appointment of the petitioner in the government school ie., on 08.03.2001 has alone been taken into consideration for the purpose of giving effect to the petitioner being awarded special grade.

3. The law is now well settled as laid down by the various decisions of this Court that when an employee of an aided school resigns



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from the post for the purpose of joining another government school, he would be entitled for all the service benefits that he had carried in the erstwhile school and consequently, he would also be entitled for revision of pay scale in the new school by counting past services.

4. However, contrary to the well settled law as laid down by various decisions of this Court, the impugned order has been passed by stating that the petitioner's past service in the aided school will not be considered to award special grade and he will also not be entitled for service benefits that he had carried in the erstwhile aided school. In view of the total non-application of mind to the well settled law by the respondent under the impugned order dated 16.08.2017, the same will have to be quashed by this Court and the writ petition will have to be allowed.

5. Accordingly, the impugned order dated 16.08.2017 passed by the respondent is hereby quashed and the writ petition is allowed by directing the respondents to sanction the special grade to the petitioner in the cadre of secondary grade teacher with effect from 26.04.2010 with all



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consequential benefits within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes / No  
NCC : Yes / No  
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**TO:**

The Chief Educational Officer,  
Madurai.



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**ABDUL QUDDHOSE, J.**

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Order made in  
**W.P.(MD)No.14687 of 2018**

Dated:  
**19.08.2024**