



W.A.(MD)No.760 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2024

CORAM:

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A.(MD)No.760 of 2017
and
CMP(MD)No.5562 of 2017**

1.The Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai.

2.The Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai.

3.The Commissioner,
Adi-Dravidar Welfare Department,
Chennai.

4.The District Adi-Dravidar Welfare Department,
Karur District,
Karur.

5.The Special Tahsildar,
(Adi-Dravidar Welfare)
Kulithalai,
Karur.

.. Appellants/Respondents

Vs.



W.A.(MD)No.760 of 2017

.. Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 17.04.2014 passed in W.P(MD)No.5105 of 2014.

For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader

For Respondent : Mr.D.Kirubakaran

JUDGMENT

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been filed challenging the order dated 17.04.2014 passed in W.P(MD)No.5105 of 2014. The writ petitioner/respondent herein filed the writ petition seeking for issuance of writ of mandamus to direct the respondents to extend the benefits of the government orders in G.O.Ms.No.210 (School education department) dated 14.08.2009 and G.O.Ms.No.190 (School Education Department) dated 12.07.2010 and G.O.Ms.No.146 (School Education Department) dated 19.06.2012 in favour of the petitioner and further to direct the respondents to count the services rendered by the petitioner before 01.06.1988 as Secondary Grade Teacher and B.T Assistant for the purpose of fixation of Selection



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Grade/Special Grade scale of pay in the post of Middle School Graduate Headmaster and further to grant arrears of pay to the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The learned single Judge has allowed the writ petition by following the earlier decision of the Division Bench of this Court made in W.A(MD)No. 815 of 2010 dated 07.07.2011 and directed the respondents to extend the benefit of G.O.Ms.No.210, School Education Department, dated 14.08.2009 to the writ petitioner and pass appropriate order within a period of four months. Challenging the same, the present writ appeal has been filed by the Education Department.

4. According to the appellants, the writ Court has failed to consider G.O.Ms.234 dated 10.09.2009 and G.O.Ms.No.146 dated 19.06.2012 and thereby granted the relief to the writ petitioner which is against the policy of the Government. Further, the learned Additional Government Pleader would submit that the learned Single Judge has also failed to look into the laches and inordinate delay in approaching the concerned authorities and the order passed



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in the said writ petition would make the exercise as unending. Further, he relied upon the judgment passed by the Division Bench of this Court in W.A.Nos.34 of 2017 etc., batch dated 03.01.2019 regarding the issue on hand.

5. As per G.O.Ms.234, dated 10.09.2009, the entire service rendered by the persons who were working as Secondary Grade Teachers and Primary School Headmasters before 01.06.1988 and got promotion as Primary School Headmasters after 01.06.1988, shall be counted for according Selection/Special Grade pay scales to the Elementary Education Headmasters. According to the writ petitioner, he is entitled for counting the period he was working as BT Assistant.

6. G.O.Ms.No.146 is applicable for the Teachers, who have joined the service as Secondary Grade Teacher before 01.10.1970 and the said GO was issued to a set of 260 persons alone, who approached this Court and got orders. Challenging the same, the Government has filed writ appeals before the Division Bench of this Court and by order dated 03.01.2019 in W.A.No.34 of 2017 etc., batch in which after elaborate discussion of all the issues the Court was of the view that though the respondents have approached the Court after a long period, after their retirement and that a huge amount has to be paid, that



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cannot be a ground to deprive the respondents of their entitlement to selection grade/special grade of pay, which the appellants ought to have paid and those appeals were dismissed. Further, the Division Bench directed the appellants to grant the benefits of G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009, to all the respondents and fix their pay in selection grade/special grade in the post of Middle School Headmaster by counting the service rendered as Secondary Grade Teacher/Primary School Headmaster/Elementary School headmaster from the date of their promotion to the post of Middle School Headmaster, if they were not given the same already., with all monetary benefits and the pensionary benefits with arrears till the date the petitioner's death.

7. As per the judgment made in W.A.No.34 of 2017 etc., batch, dated 03.01.2019, the petitioner is not entitled for the benefit for the period he was working as BT Assistant and it can be calculated only for the period as stated supra in the Division Bench judgment in W.A.No.34 of 2017 etc., batch, passed by this Court.

8. Accordingly, the appellants are directed to complete the exercise of revising the pay in the Selection Grade/Special Grade to the respondent, and



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consequently revise the pension / family pension, and disburse both arrears of Salary and differential pension and to pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order, as per the settled principles of law.

9. With the above direction, this writ appeal stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]
04.03.2024

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

PJL

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