



W.P.(MD).No.28401 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.28401 of 2023

A.Karuppasamy

... Petitioner

Vs.

- 1.The Principal Secretary to the Government,
School Education [Pa.Ka.5(1)] Department,
Fort St.George, Chennai-9.
- 2.The Director of Elementary Education,
DPI Campus, Chennai-6.
- 3.The Chief Educational Officer,
Tenkasi District.
- 4.The District Educational Officer (Elementary),
Tenkasi, Tenkasi District.
- 5.The Block Educational Officer-II,
Melaneelithanallur Block,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Na.Ka.No.409/A3/2023, dated 10.11.2023 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, directing the respondent no.5 to sanction



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special grade pay to the Petitioner with effect from 07.06.2020 and revise the scale of pay of the petitioner with all consequential benefits including arrears within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman
for M/s.Lajapathi Roy & Associates

For Respondents : Mr.G.Suryananth
Additional Government Pleader

ORDER

The present writ petition has been filed to call for the records pertaining to the Impugned order in Na.Ka.No.409/A3/2023, dated 10.11.2023 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, directing the respondent no.5 to sanction special grade pay to the Petitioner with effect from 07.06.2020 and revise the scale of pay of the petitioner with all consequential benefits including arrears within the time period stipulated by this Court.

2. The petitioner was appointed in the post of Secondary Grade Teacher on 07.08.1995 at Panchayat Union Primary School, Sakkaraiikulam, Melaneelithanallur Block, Tenkasi District. He was further promoted to the post of Primary School Headmaster on 07.06.2000. He was granted selection grade in the post of Primary School Headmaster as on 07.06.2010 on



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completion of 10 years of service. Thereafter, he was promoted to the post of Middle School Headmaster at Panchayat Union Middle School, Shanmuganallur on 02.09.2013. Whiles, for want of vacancy due to the upgradation of a Middle School as High School, the person who was working in that school was transferred back to the petitioner's place. As a result of which, the petitioner was reverted back to the post of Primary School Headmaster on 01.11.2013. The said reversion was done due to administrative ground. Further, the petitioner was again promoted as Middle School Headmaster at Panchayat Union Middle School, Melaneelithanallur on 18.06.2014 and further reverted back as Primary School Headmaster on 01.01.2015. Since the petitioner had completed more than 20 years of service as Primary School Headmaster, he was entitled for grant of special grade of pay. Hence, he applied for the same with effect from 07.06.2020 i.e., on the completion of 20 years of service in the post of Primary School Headmaster. However, the said application was rejected vide impugned order, dated 10.11.2023 for the reason that the petitioner was promoted as Middle School Headmaster from 02.09.2013 to 31.10.2013 and from 18.06.2014 to 31.12.2014 and special grade can be granted only for those who rendered 20 years of



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service in the same post. Challenging the same, this writ petition came to be filed.

3. The learned counsel for the petitioner submitted that the matter in hand is no more *res integra*. This Court has dealt with a similar matter in ***W.P(MD)No.9598 of 2015 (M.Santhi Vs. The Director of Elementary Education & Others)***, dated 10.11.2022. In which, the learned Single Judge has passed favourable order. Relying on the said order, he pressed for allowing the writ petition.

4. Per contra, the learned Additional Government Pleader filed a counter on behalf of the 4th respondent and submitted that the petitioner is not entitled for selection grade, since he has not completed 20 years of service in the same post continuously and pressed for dismissal of the writ petition.

5. However, the learned counsel for the petitioner brought to the notice of the Court that as against the order passed by this Court in W.P(MD)No.9598 of 2015, dated 10.11.2022, an appeal has been preferred by the department before the Hon'ble Division Bench of this Court in W.A(MD)No.434 of 2023



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and the same was dismissed on 20.04.2023. The relevant portion of which is extracted as follows:

“2. The Writ Court has found that the petitioner was working as a Primary School Headmaster was promoted as a Middle School Headmaster and thereafter, reverted as a B.T.Assistant Tamil and again promoted as a Middle School Headmaster and again reverted as a Primary School Headmaster and again promoted as a Middle School Headmaster and again reverted as a Primary School Headmaster and again promoted as a Middle School Headmaster on 22.12.2011. All these promotions and reversions have taken place between the years 2007 and 2011. The Writ Court has specifically found that all these promotions and reversions have been made because of want of vacancy, which is not fault of the petitioner. If only the petitioner has not been wrongly promoted and rightly reverted, she would have continued to function as a Primary School Headmaster from 1998 to 22.12.2011. She would have been definitely entitled to Selection Grade in the post of Primary School Headmaster. The Writ Court has granted the said relief only. Hence, we do not find any reason to interfere with the order of the Writ Court.”

6. The instant case is also a similar matter, wherein the petitioner was originally served as Primary School Headmaster and he was promoted twice as a Middle School Headmaster and then reverted back to the post of Primary



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School Headmaster exclusively for administrative reasons. There is no fault on the part of the petitioner. Had he been allowed to continue in the post of Primary School Headmaster, he would have automatically completed service for a period of 20 years and nothing would have become an impediment for him for the grant of special grade.

7. I am fully in consonance with the judgment passed by the learned Single Judge and also the Hon'ble Division Bench of this Court referred supra, this Court hereby quash the impugned order, dated 10.11.2023 on the file of the 5th respondent and consequently, direct the 5th respondent to sanction special grade pay to the writ petitioner with effect from 07.06.2020 with all consequential benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

8. With the above said observations, this Writ Petition stands allowd. No costs.

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



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L.VICTORIA GOWRI, J.

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