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W.P.No.16013 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

W.P.No.16013 of 2015

and

M.P.No.3 of 2015 and W.M.P. No.37906 of 2017

A.Sivagovindhan (DECEASED)

2.Radhamani

3.Ilakiyamani

4.Malarvannan

5.Manivannan

6.Saravanan

.. Petitioners

(Petitioners 2 to 6 substituted as
LRs of deceased sole petitioner vide
order dated 19.09.2025 made in
W.M.P. No.19212 of 2016 in
W.P.No.16013 of 2015)

VS

1.The Government of Tamil Nadu
Rep. by the Secretary to Government,
School Education Department
Secretariat, Fort St. George
Chennai – 600 009.

2.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai – 600 006.

3.The Chief Educational Officer,
Ariyalur, Ariyalur District.

4.The District Elementary Education Officer,
Udayarpalayam, Ariyalur District.



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5.The Headmaster

Govt. Hr. Sec. School

Kallathur-Thandalai (Village and Post)-621 803

Ariyalur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for records relating to the order dated 23.12.2014 passed by the 3rd Respondent vide Na.Ka.No.5766/B1/2014 and order dated 02.06.2015 passed by the 5th Respondent vide Na.Ka.No.3/2015 and to quash the same and to direct the Respondents to restore the benefit of G.O.Ms.No.210 dated 14.08.2009 to the Petitioner by granting special grade pay of Head Master, Middle School in the scale of Rs.2200-4000/- with effect from 01.06.1988 and re-fix the petitioner's pension by reckoning his last drawn pay in the scale of Rs.2200-4000/- w.e.f. 31.03.1996 (i.e., the date of his retirement) with arrears of pension and interest at the rate of 12% p.a. from 31.03.1996 till the date of payment together with all other consequential benefits, within a time limit to be fixed by this Court.

[Prayer amended as per order dated 29.06.2015 in M.P.No.1 of 2015 in W.P.No.16013 of 2015]

For Petitioners : Ms.Y.Kavitha

For Respondents : Mr.S.Prabhakaran,
Government Advocate



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ORDER

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Writ petitioner (Late Mr.A.Sivagovindhan) was appointed as a Headmaster of elementary school on 06.04.1960 and thereafter he was promoted as BT Grade Middle School Headmaster on 30.01.1988. He got further promotion as Secondary Grade teacher in the year 1991 and finally got retired on 31.03.1996. Nearly thirteen years after the Government passed G.O.Ms.No.210 School Education (G1) Department dated 14.08.2009 granting special grade in the scale of 2200-75-2800-100-4000 with effect from 01.06.1988 for secondary grade teacher on par with Middle School Headmaster. Writ petitioner, being advised that he is entitled for the benefit under G.O.Ms.No.210 dated 14.08.2009, had approached this Court by filing W.P.No.29751 of 2014 to consider his representation to extend the benefit of G.O.Ms.No.210 dated 14.08.2009. By that time, 65 similarly placed persons have approached the Court and got favourable orders. Following that, another batch of 124 persons also approached this Court for extension of the benefit whereas learned single Judge of this Court allowed the writ petitions. Under such circumstances, the writ petitioner initially filed writ of mandamus for extending the benefit to him under G.O.Ms.No.210 dated 14.08.2009. This Court, on 17.11.2014, taking into consideration the pendency of the writ



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petition, directed the Chief Educational Officer, Ariyalur, who was the third respondent in that writ petition, to dispose of the representations dated 08.09.2014 and 17.09.2014, which are followed by a reminder dated 01.11.2014 on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of the order. The third respondent had thought fit that the writ petitioner is not entitled for the benefit conferred under G.O.Ms.No.210 dated 14.08.2009. The third respondent has passed the impugned order on 23.12.2014, rejecting his request. Said rejection order is now subject matter of the present writ petition by way of certiorarified mandamus.

2. From the impugned order, we find that when implementation of G.O.Ms.No.210 dated 14.08.2009 came up for consideration before this Court, the Government has thought fit that the order of the Court to be restricted to those persons who have filed writ petitions and not for others. The writ petitioner has retired long back and request after lapse of several years after retirement and after passing of G.O.Ms.No.210 dated 14.08.2009, was found not to be considered by holding that the Government Orders in the proceedings viz., G.O.Ms.No.210 School Education (G1) Department dated 14.08.2009, G.O.Ms.No.190 School Education (G1) Department dated 12.07.2010 and G.O.Ms.No.146 School Education



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(G1) Department dated 19.06.2012 cannot be extended to the persons who are absorbed in School Education Department. The above three Government Orders are in respect of persons retired after 30.09.1994 and persons absorbed from Elementary Education Department to School Education Department is the reason assigned for rejection of the request made by the writ petitioner. The same is challenged in the present writ petition stating that spirit of G.O.Ms.No.210 dated 14.08.2009 was to erase anomaly in pay between Secondary Grade Teacher, Elementary School Headmaster and Middle School Headmaster and restricting the extension of benefit only to persons who approached this Court or persons retired after 30.09.1994 or persons absorbed from Elementary Education Department to School Education Department is unreasonable and there is no nexus between the classification and object of the Government Order.

3. Learned Government Advocate appearing for State submitted that the issue of extending the benefit to the petitioner is no more *res integra* in view of the Division Bench judgment of this Court passed on 10.05.2024 in the appeal preferred by the State in W.A.No.137 of 2024 as against the order passed by learned single Judge dated 19.06.2023 in W.P. No. 20836 of 2017 allowing a similar prayer. Referring to paragraph No.16 of the said judgment,



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learned Government Advocate submitted that the implementation of G.O.Ms.No.210 dated 14.08.2009 was considered in earlier order of the Full Bench pertaining to the same Government Order in Review Application No.227 of 2015 and connected matters on 09.12.2016 and it has been held that error in extending the benefit of the said Government Order to the persons who are not eligible in fact cannot be perpetually continued and the Government having woke up to the fact and had brought to the notice regarding improper implementation of the said Government Order pursuant to the order of the Full Bench has interfered and gave an ultimatum for filing writ petitions relating to the subject matter of controversy and hence sought for dismissal of the writ petition.

4. A Perusal of the Division Bench judgment and the Full Bench judgment cited in it, I find that ultimatum for filing writ petition is 09.12.2016 whereas in this case, the writ petition was filed prior to that. Therefore, the Division Bench judgment cannot be relied upon to dismiss the writ petition on the ground of laches. However, this Court finds that on merits itself, this petitioner is not entitled for the extension of benefit under G.O.Ms.No.210 dated 14.08.2009 since he was absorbed to the School Education Department from Elementary Education Department and had the benefit of said absorption both in monetary aspect and career



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aspect. Having enjoyed that benefit of absorption and retired from service long back, he cannot turn back to his previous service as Middle School Secondary Grade Teacher in Elementary Education Department and seek the benefit of G.O.Ms.No.210 dated 14.08.2009. The said Government Order was passed nearly 13 years after his retirement, taking into consideration, the persons who have been stagnated in the post of Middle School teacher without any career prospects in the Elementary Education Department itself. However, similarly placed Elementary School and Middle School Secondary Grade Teachers and Headmasters were able to get better pay. On factual aspect also, this petitioner, as explained in the impugned order, is not entitled for the benefit extended under G.O.Ms.No.210 dated 14.08.2009.

5. It is brought to the notice of this Court that the School Education Department on 11.05.2012 issued a cheque for Rs.63,930/- pending implementation of G.O.Ms.No.210 dated 14.08.2009. Later, they have realised the mistake and issued the proceedings on 02.06.2015 for recovery of the said amount. This has been challenged by way of a miscellaneous petition in the present writ petition and that M.P. No.3 of 2015, been considered and this Court has granted stay of recovery vide order dated 29.06.2015 and stay continues till now. Meanwhile, the writ



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petitioner died, his wife was brought on record. She also died. Their children were brought on record and they are pursuing this writ petition. After a length of time, recovery proceedings is not sustainable mainly on the ground that the amount paid is not by any misrepresentation by the writ petitioner but by misapplication of Government Order by the Department itself. Hence this money which is paid cannot be recovered pursuant to the dictum laid down by the Supreme Court in ***State of Punjab and Others vs. Rafiq Masih (White Washer)*** reported in ***2015 (4) SCC 334***.

6. With the above observations, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

24.11.2025

Index:Yes/No
Neutral Citation:Yes/No
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To

1.The Secretary to Government,
School Education Department
Secretariat, Fort St. George
Chennai – 600 009.

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2.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai – 600 006.

3.The Chief Educational Officer,
Ariyalur, Ariyalur District.

4.The District Elementary Education Officer,
Udayarpalayam, Ariyalur District.

5.The Headmaster
Govt. Hr. Sec. School
Kallathur-Thandalai (Village and Post)-621 803
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DR.G.JAYACHANDRAN,. J.

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