



W.P.Nos.6262, 6273, 6276, 6281, 6267 and 6269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6262, 6273, 6276, 6281, 6267 and 6269 of 2024
and W.M.P.No.6961 of 2024

R.Amirtham	.. Petitioner in W.P.No.6262 of 2024
P.Kesavan	.. Petitioner in W.P.No.6273 of 2024
L.Kumar	.. Petitioner in W.P.No.6276 of 2024
E.Ratchanyadoss	.. Petitioner in W.P.No.6281 of 2024
T.Immanuel Doss	.. Petitioner in W.P.No.6267 of 2024
V.Jayagopi	.. Petitioner in W.P.No.6269 of 2024

Vs.

1. The Branch Officer,
Office of the Principal Accountant General (A & E)
Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai-600 018.

2. The Block Educational Officer,
Arcot Panchayat Panchayat Union,
Arcot, Ranipet District – 632 503.

.. Respondents in W.P.No.6262 of 2024

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1. The Branch Manager,
Office of the Principal Accountant General (A & E),
Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai-600 018.

2. The Block Educational Officer,
Kaniyambadi Panchayat Union,
Vellore District.

.. Respondents in W.P.No.6273 of 2024

1. The Senior Accounts Officer/Pen17,
Office of the Accountant General
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai-600 018.

2. The Block Educational Officer,
Vellore Rural Panchayat Union,
Vellore-632 013.

.. Respondents in W.P.No.6276 of 2024

1. The Senior Accounts Officer/Pen23,
Office of the Accountant General
(Accounts and Entitlements) Tamil Nadu,
361, Anna Salai, Tehnampet,
Chennai-600 018.

2. The Block Educational Officer,
Vellore Rural Panchayat Union,
Vellore-632 013.

.. Respondents in W.P.No.6281 of 2024



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1. The Senior Accounts Officer/Pen 17
Office of the Accountant General
(Accounts and Entitlements), Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai-600 018.

2. The Block Educational Officer,
Vellore Rural Panchayat Union,
Vellore-632 013.

.. Respondents in W.P.No.6267 of 2024

1. The Branch Officer,
Office of the Principal Accountant General (A & E),
Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai-600 018.

2. The Block Educational Officer,
Arcot Panchayat Panchayat Union,
Arcot, Ranipet District – 632 503.

.. Respondents in W.P.No.6269 of 2024

Writ Petition No.6262 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent made in his proceedings in No.P16/1/11628973/ADK/1426, dated 18.11.2022 and quash the same and direct the first respondent to sanction the revised pension as per the proposal of the second respondent, dated 09.04.2022 made in Na.Ka.No.461/A2/2022 and in consonance with G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011.



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Writ Petition No.6273 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent made in his proceedings in No.P23/1/12326887/ADK, dated 09.11.2022 and quash the same and direct the first respondent to sanction the revised pension as per the proposal of the second respondent, dated 27.06.2022 made in Na.Ka.No.541/A2/2022 and in consonance with G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011.

Writ Petition No.6276 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent made in his proceedings in Lr.No.AG(A&E)Pen17/1/1725306/ADK/22-23, dated 01.07.2022 and quash the same and direct the first respondent to sanction the revised pension as per the proposal of the second respondent, dated 28.04.2022 made in Na.Ka.No.0128A1/2022 and in consonance with G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011.

Writ Petition No.6281 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent made in his proceedings in Lr.No.AG(A &



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E)Pen23/I/12326747/344, dated 18.08.2022 and quash the same and direct the first respondent to sanction the revised pension as per the proposal of the second respondent, dated 16.05.2022 made in Na.Ka.No.133/A2/2022 and in consonance with G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011.

Writ Petition No.6267 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent made in his proceedings in Lr.No.AG(A & E)Pen17/II/117252289/ADK/22-23, dated 07.07.2022 and quash the same and direct the first respondent to sanction the revised pension as per the proposal of the second respondent, dated 28.04.2022 made in Na.Ka.No.0129/A1/2022 and in consonance with G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011.

Writ Petition No.6269 of 2024 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent made in his proceedings in No.P16/1/11628959/ADK, dated 21.11.2022 and quash the same and direct the first respondent to sanction the revised pension as per the proposal of the second respondent, dated 09.04.2022 made in Na.Ka.No.461/A2/2022 and in consonance with G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011.



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For petitioners in all W.Ps. : Mr.A.S.Kaizer

For respondents in all W.Ps : Mrs.Hema Murali Krishnan for R-1

Mrs.S.Mythreye Chandru, Spl.G.P.

For R-2

COMMON ORDER

The issue involved in these writ petitions are identical. The petitioners are aggrieved by the rejection of their request for sanction of revised pension as per the proposal of the 2nd respondent dated 28.04.2022 and in consonance with G.O.Ms.No.23, Finance (Pay Cell) Department, 12.01.2011. Hence, the petitions are disposed of by this common order.

2. Brief facts that led to the filing of the present Writ Petition in W.P.No.6262 of 2024, are as below and the facts are same in the other Writ Petitions except for the dates of joining/promotion etc., and the facts in W.P.No.6262 of 2024 are quoted for reference:

(a) The petitioner was appointed as Secondary Grade Assistant Teacher on 17.10.1973 and he was awarded Selection Grade in the post of Secondary Grade Assistant on 17.10.1983 and awarded Special Grade in the post of Secondary Grade Assistant on 17.10.1993. He was promoted as



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Primary School Headmaster on 12.07.1999 and thereafter, the Special Grade in the post of Elementary School Headmaster was awarded on 12.07.1999 and he retired from service on attaining the age of superannuation on 30.11.2011.

(b) While in service, the petitioner filed a Writ Petition in W.P.No.15658 of 2010 on the file of this Court seeking direction to the respondents therein to fix his pay in the Selection Grade/Special Grade in the post of Elementary School Headmaster, taking into account his entire services as Secondary Grade Assistant Teacher and Elementary School Headmaster, extending the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009 in his favour and to pay the arrears with other consequential benefits. The said Writ Petition was allowed by the Division Bench of this Court on 22.07.2011 in terms of the earlier orders, directing the authorities to extend the benefit of the order in G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009 in his favour.

(c) As the above said order was not complied with for a long time, the petitioner was constrained to file a Contempt Petition in Cont.P.No.2575 of 2013. After filing of the Contempt Petition, by proceedings of the authority,



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his pay was re-fixed (15600-39100-GP 5400) including the award of Special Grade in the post of Elementary School Headmaster as aforesaid in compliance of the order of this Court made in W.P.No.15658 of 2010 and was also paid the arrears of salary for the working period and consequent upon the compliance of the order of this Court, the Contempt Petition was closed. After the petitioner's retirement, based on the pension proposal sent by the Block Educational Officer in consonance with the order of this Court, the first respondent also sanctioned the same and the petitioner was paid the pensionary benefits accordingly and he had been receiving the pension so fixed.

(d) During the period of the above said exercise, with a view to rectify the pay anomaly, a One Man Commission was constituted and as per the recommendations of the One Man Commission, a Government Order in G.O.Ms.No.23, dated 12.01.2011 was issued, according to which, who already got the Special Grade in the post of Elementary School Headmaster, is entitled to get re-fixation of pension in the pay scale of Rs.15600-39100 GP 5700. Hence, the petitioner sent a representation to the Block Educational Officer and he in turn, sent the proposal dated 09.04.2022 to the



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first respondent for revision of the petitioner's pension in accordance with the said G.O.Ms.No.23.

(e) However, the proposal dated 09.04.2022 had been returned by the first respondent in his proceedings dated 18.11.2022 stating reasons to deny his legitimate claim. Even though the concerned Block Educational Officer had sent the proposal for re-fixation as per G.O.Ms.No.23, the first respondent, without acceding to allow the said request, stated the reason that the award of Special Grade to the petitioner on 12.07.1999 is not in order and as per G.O.Ms.No.234, the Secondary Grade Assistant's service up to 31.05.1998 and Primary School Headmaster service from 01.06.1988, are to be reckoned for calculation of 10/20 years for awarding Selection/Special Grade in Primary School Headmaster post. It is further stated that the petitioner was appointed as Secondary Grade Assistant on 17.10.1973 and promoted as Primary School Headmaster on 12.07.1999 and if G.O.No.234 is applied, the petitioner will be completing 20 years only on 25.11.2004 and he is entitled for award of Special Grade only on 26.11.2004. The first respondent further directed to review the petitioner's pay and to revise the same accordingly. Thus, the first respondent's intention is for downgrade the



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revision of the petitioner's pay, for which, he has no authority and there is no justification for the same. In the proposal sent by the second respondent for re-fixation of the petitioner's pension in accordance with G.O.Ms.No.23, which will be beneficial to the petitioner, the first respondent has either to accept or refuse the same. He cannot pass orders directing the concerned authority to revise the pay in downwards. The said action clearly proves the mala-fide intention of the first respondent.

(f) As per the order of this Court, the petitioner's entire services as Secondary Grade Assistant Teacher and Elementary School Headmaster was taken into account and the Special Grade was fixed accordingly. Now, the interpretation and reasoning of the authorities that the period between 01.06.1988 and 12.07.1999 on which date the petitioner was promoted as Elementary School Headmaster, cannot be taken into account, is illegal, unjust, perverse and in disobedience of the earlier order of this Court. After grant of all benefits as per the earlier direction of this Court by calculating the entire services as aforesaid, now, the authorities cannot turn around and say that the petitioner is not entitled for such benefits. According to the



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petitioner, this is once again an utter contemptuous act on the part of the authorities.

(g) The above said action of the first respondent is a clear disobedience of the order of the Court made in W.P.No.15658 of 2010, and the same is contemptuous. His prayer in the earlier Writ Petition was for issuance of Mandamus directing the respondents to fix his pay in the Selection Grade / Special Grade in the post of Elementary School Headmaster by taking into account his entire services as Secondary Grade Assistant Teacher and Elementary School Headmaster before and after 01.06.1988 by extending the benefits of G.O.Ms.No.234, School Education (G2) Department, dated 10.09.2009 in favour of the petitioner and for payment of arrears with other consequential benefits. This Court also accepted the petitioner's prayer and directed as stated above. The said order has become final. While that being so, after the sanction of pension and pensionary benefits in accordance with G.O.Ms.No.234 at an earlier point of time itself, which was sanctioned by the first respondent also, now in utter disobedience of the order of this Court on the part of the first respondent has returned the proposals for frivolous reasons. When once the authorities who



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are parties to the writ proceedings complied with the order of this Court in its letter and spirit, the first respondent cannot refuse to accept the same. The reasoning stated in the communication dated 18.11.2022 cannot hold good for the reasons stated above. It shows non-application of mind on the part of the first respondent and the said order is mechanical one and the reasons in the impugned order shows non-application of mind on the part of the first respondent and the said reasoning is perverse. Now, the first respondent cannot re-open the settled issue. The petitioner's present claim is only to re-fix the pension in accordance with G.O.Ms.No.23, dated 12.01.2011, for which, he is entitled to. Due to the re-fixation of pension in accordance with G.O.Ms.No.23, the petitioner will be getting the Grade Pay of Rs.5,700/- instead of the present Rs.5,400/-. For this meagre amount of difference for which the petitioner is entitled to, the petitioner has been driven from pillar to post. Hence, the petitioner issued Lawyer's notice to the first respondent, dated 17.05.2023, calling upon them to re-fix the petitioner's pension in consonance with G.O.Ms.No.23, dated 12.01.2011, but the first respondent, by his reply, dated 09.08.2023, cited their internal communication between



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the Departments and stated that further action cannot be taken now. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

3. The respondents have filed counter affidavit stating as follows in W.P.No.6262 of 2024 and it is enough to quote the counter in W.P.No.6262 of 2024, as the counter in the other Writ Petitions are same with only changes in dates, numbers, etc :

(a) The petitioner was initially appointed as Secondary Grade Assistant Teacher on 17.10.1973 and was awarded Selection Grade, Special Grade in the post of Secondary Grade Assistant on 17.10.1983 and on 17.10.1993. The petitioner was subsequently promoted as Elementary School Headmaster on 12.07.1999 and thereafter, the Special Grade in the post of Elementary School Headmaster awarded on 12.07.1999. Special Grade Pay was fixed in the cadre of Primary School Headmaster on 01.01.2006 as per G.O.(Ms).No.234, Finance Department, dated 01.01.2009 in the scale of pay of Rs.15600-39100+ G.P.5400/-. Further, G.O. (Ms).No.23, Finance Department, dated 12.01.2011, revised the Special Grade Pay to the petitioner from 01.01.2006 in the scale of pay of Rs.15600-



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39100+ GP 5700/-, vide proceedings of the Block Educational Officer, Arcot in Na.Ka.No.461/2022, dated 09.04.2022 and the petitioner retired from service on 30.04.2011.

(b) The Pension proposal was forwarded to the Accountant General, vide Na.Ka.No.461/2022, dated 09.04.2022 of the Block Educational Officer, Arcot. The Accountant General, Tamil Nadu had returned the pension proposal and noticed the following discrepancies, vide Letter No.P16/1/11628973/ADK/1425, dated 18.11.2022 :

“With reference to your letter, the service Book with proposal of Shri/Smt.Kum.Amirtham R., Headmaster D.O.R.30-Apr.11 are being returned herewith for the reasons noted below:

As per G.O.234, dated 10.09.2009, the secondary grade asst service upto 31.05.1988 and primary school HM service from 01.06.1988 are to be reckoned for the cal of 10/20 years awarding sel/spl.grd in the post of PSHM. The Government servant was appointed as SG Asst. on 17.10.1973 and promoted to the post of PSHM on 12.07.1999. If G.O.34 is applied, the service upto 31.05.1988 works out to 14 years 7 months and 15 days and PSHM service from 12.07.1999 shall be taken for



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cal of completion of 20 years. She will be completing 20 years only on 25.11.2004, and entitled for award of Spl.Gr. In the post of PSHM on 26.11.2004 as per G.O.234 dt.10.09.2009.

This may be reviewed and pay of the official may be revised accordingly. The entries of the pay regulation may be recorded in the service register under proper attestation and the revised pension proposals may be sent for necessary action.”

Hence, challenging the above order, the petitioners have filed the present Writ Petition.

(c) The petitioner has already filed W.P.No.15658 of 2010, this Court directed the respondents to fix the pay of the petitioner in Selection/Special Grade in the post of Primary School Headmaster, taking into account of the petitioner’s entire services as Secondary Grade Assistant Teacher and Elementary School Headmaster. The petitioner has also filed Contempt Petition before this Court in Cont.P.No.2575 of 2013. In pursuance of the order of this Court, the pay of the petitioner was initially revised in the scale of pay of Rs.15600-39100 and a Grade Pay of Rs.5,400/- and subsequently, the pay of the petitioner was also revised in the scale of pay of Rs.15600-

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39100 and Grade Pay of Rs.5,700/-, vide Na.Ka.No.461/2022, dated 09.04.2022 of the Block Educational Officer, Arcot.

(d) The Government had issued Letter No.14483/CMPC/2011-1, dated 05.01.2012, revised the scale of pay and Grade Pay to the post of Primary School Headmaster for Special Grade Rs.15,600-39,100 and Grade Pay of Rs.5,700/- and specifically stated that “the above Selection Grade/Special Grade scales of pay is applicable only to teachers awarded Selection Grade/Special Grade prior to 01.01.2006 and teachers who have opted for the revised scale of pay on a subsequent date between 01.01.2006 and 31.05.2009, i.e. from the date of their award of Selection Grade/Special Grade. The above Selection Grade/Special Grade scales of pay shall also take notional effect from 01.01.2006 or from the date of exercising the option as the case may be and with monetary benefit from 01.01.2011.

(e) The petitioner has joined in the Secondary Grade post on 17.10.1973. Subsequently, the Selection Grade and Special Grade was awarded to the petitioner in the post of Secondary Grade post on 17.10.1983 and 17.10.1993. Subsequently, he was promoted to the post of Primary School Headmaster on 12.07.1999. The Selection Grade was awarded to the



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petitioner in the post of Primary School Headmaster. The petitioner has put in a service in the cadre of Primary School Headmaster from 17.10.1993 to 30.04.2011. The total period the petitioner worked in the cadre Primary School Headmaster – 17 years 6 months and 14 days. The petitioner has not completed 20 years of service as per the above said Government Letter. Hence, the petitioner is not eligible for Grade Pay of Rs.5,700/-. The petitioner is eligible for Grade Pay of Rs.5,400/- and the petitioner has already got a Grade Pay of Rs.5,400/- and got the pensionary benefit regularly.

(f) As per the queries raised by the Accountant General and as per the above said Government Letter No.14483/CMPC/2011-1, dated 05.01.2012, the petitioner is not eligible for Grade Pay of Rs.5,700/-.

Hence, for the above reasons, the respondents state that the Writ Petition is devoid of merits and liable to be dismissed.



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4. Heard the learned counsel for the petitioners and the learned Government Counsel appearing for the respondents and perused the materials available on records.

5. It is an admitted fact that all the petitioners were appointed initially as Secondary Grade Teachers and upon putting 10 years and 20 years of service in the post of Secondary Grade Teachers, they were sanctioned with selection grade and special grade scales of pay. Thereafter, the petitioners were promoted as Elementary School Headmasters, which is an analogous post to that of Secondary Grade Teacher.

6. However, before completing further ten years of promotionless service, the petitioners were promoted as Primary School Headmasters on various dates, which is prior to the issuance of G.O. Ms. No.234 and G.O. Ms. No.23. However, as evident from the counter affidavit of the respondents, even though the petitioners were promoted as Primary School Headmasters, upon completion of 10 years of service from the

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date of their being granted Special Grade scale of pay in the post of Elementary School Headmaster/Secondary Grade Teacher, the petitioners were granted special grade scale of pay in the post of Primary School Headmaster, to which, they would not be eligible, as the said benefit is granted in lieu of there being no promotional avenue. It is to be pointed out that the said grant of special grade in the post of Primary School Headmaster was not due to any fault of the petitioners; rather, it was granted in the course of the job, which was approved by the higher authority and no steps have been taken to refix the scale of pay of the petitioners. The petitioners, upon attaining the age of superannuation, have also been retired from service. On the date, when the petitioners had superannuated, they were paid the Grade Pay of Rs. 5400/- In the scale of pay of Rs.15,600 - 39,100.

7. There is no quarrel with the fact that the selection grade and special grade scales of pay of the petitioners were fixed pursuant to the order passed by the Division Bench in W.P. No.15658/2010 and re-



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fixation of pay in the said grades have also been granted. However, the fact remains that in the interregnum, the Government, to rectify the pay anomaly, had appointed One Man Commission and based on the recommendations, G.O. Ms. No.23 dated 12.01.2011 had come to be passed based on which the petitioners herein are seeking for re-fixation of pension.

8. The main ground on which the impugned order had come to be passed is that the award of special grade in the post of Primary School Headmaster is not in order, as the petitioners had not put in the requisite number of years of service without promotion. Based on the said reasoning, the petitioner's request for re-fixation has been negative.

9. Though the impugned orders have come to be passed negating the claim of the petitioners for re-fixation of pension, the fact remains that before an order is passed, principles of natural justice demands an opportunity to be granted for revisiting the already fixed benefits and also for rejection of the benefits. However, a perusal of the



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impugned order as also the materials available on record reveal that such an opportunity has not been granted to the petitioners to put forth their case with regard to their claim for re-fixation of pension based on G.O. Ms. No.23. That being the case, this Court cannot test the correctness of the order one way or the other, but feels that of necessity, the matter has to be remanded to the 1st respondent for passing fresh orders after affording an opportunity of hearing to the petitioners.

10. In such view of the matter, the writ petitions are allowed and the orders impugned herein passed by the 1st respondent are set aside and the matters are remanded to the 1st respondent for fresh consideration of the representation of the petitioners for re-fixation and before passing orders on the said representation, the 1st respondent is directed to grant an opportunity of hearing to the petitioners to put forth



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their case for claim for re-fixation and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Further, it is also made clear that the pension amount shall not be re-fixed in any manner without hearing the petitioners, as the petitioners are the recipient of the said pension amount since the date of their retirement. It is further made clear that amounts paid to the petitioner shall not be recovered from them as such amounts have not been paid due to any false or fraudulent representation of the Petitioners. Consequent', connected miscellaneous petitions are closed. There shall be no order as to costs.

15.12.2025

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To

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1. The Branch Officer,
Office of the Principal Accountant General (A & E)
Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai-600 018.
2. The Block Educational Officer,
Arcot Panchayat Panchayat Union,
Arcot, Ranipet District – 632 503.
3. The Block Educational Officer,
Kaniyambadi Panchayat Union,
Vellore District.
4. The Block Educational Officer,
Vellore Rural Panchayat Union,
Vellore-632 013.



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M.DHANDAPANI,J.

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