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W.A.No.386 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Appeal No.386 of 2024

T.Gangatharanpillai

... Appellant

Vs.

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

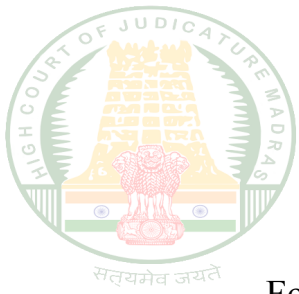
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3. The Chief Educational Officer,
Nagercoil,
Kanniyakumari District.

4. The District Educational Officer,
Kulithurai,
Kanniyakumari District.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act,
against the order dated 21.07.2022 in W.P.No.2342 of 2017.



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For Appellant

: Mr. J. Jayamalan

For R1 to R4

: Mr. R. Neethi Perumal,
Government Advocate

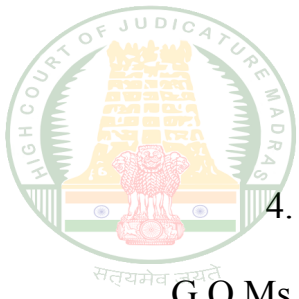
JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The appellant has not approached the writ Court and the writ Appellate Court with clean hands.

2. The relief sought for in the writ petition is to set aside the rejection order dated 14.06.2016 and to direct the State of Tamil Nadu to pass appropriate orders for granting salary in favour of the petitioner school by considering the fact that the petitioner school was started on 01.06.1989 by extending the benefits of G. O. Ms. No.50, Education, Science and Technology (D1) Department, dated 20.01.1995.

3. Admittedly, even as per the appellant, the school was recognized by the Government of Tamil Nadu, with effect from 01.07.1991. The recognition granted from the year 1991 remains unchallenged. The claim is made with reference to the Government Order issued in G. O. Ms. No. 50.



4. The learned Special Government Pleader would submit that G.O.Ms.No.50 was issued only in respect of the schools enclosed in Annexures I, II and III to the Government order.

5. Interestingly, the writ petitioner has not enclosed the Annexures along with the Government Order issued in G. O. Ms. No. 50, both before the Writ Court and before this Court. When this Court asked the learned Government Advocate to produce annexures, he would able to produce one annexure, but other two annexures are not produced. However, the learned counsel for the appellant would submit that the name of the petitioner's school is not found in the annexures. Even without enclosing the annexures to the Government Order, the appellant is seeking extension of the said benefit and to award grant from the year 1989.

6. The Government Order is based on a decision taken by the Government to permit assessment of salary grant for the post for few schools under the administrative control to an unaided school in the Annexures I, II and III, since the said schools were opened upgraded unaided schools during the year 1988-89 and 1989-90. But the petitioner's school was recognized from the year 1991 and therefore they are not eligible to avail the benefit under the Government Order which is a special



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Government Order passed with reference to few schools as per the Annexures.

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7. The case of the petitioner cannot be compared with those schools found in the annexures. By seeking extension of the government order, the petitioner has made an attempt to open Pandora box wherein, many such schools may come out and approach the Court for seeking grant with retrospective effect, which would result in huge financial loss to the State's Exchequer.

8. The writ petition itself has been filed after a lapse of more than 34 years from the date of grant of recognition. Thus, the claim is vexatious. The writ petitioner has not enclosed the annexures willingly even before this Court when the writ appeal has been filed, despite the fact that the annexures have been spoken about by the writ Court.

9. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

(S.M.S., J.) (K.R.S., J.)
27.02.2025

ssi

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

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