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W.A.No.1939 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27.03.2025**

CORAM:

**THE HONOURABLE MR JUSTICE S.S.SUNDAR**

**AND**

**THE HONOURABLE MR JUSTICE C.SARAVANAN**

**W.A.No.1939 of 2018**

**and**

**C.M.P.No.15556 of 2018**

1. State of Tamil Nadu,  
Rep. by the Secretary to Government,  
School Education Department,  
Fort St.George, Chennai-600 009.
2. The Director of Elementary Education,  
DPI Compound, College Road,  
Chennai-600 006.
3. The District Elementary Educational Officer,  
Thiruvarur District.

... Appellants/Respondents

-VS-

V.Mathivanan

... Respondent/Petitioner

**Prayer:** Writ Appeal filed under under Clause 15 of Letters Patent to set aside the order dated 29.06.2015 made in W.P.No.23289 of 2013 and allow the Writ Appeal.

For Appellants : Mr.R.Neethiperumal  
Govt. Advocate

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## **J U D G M E N T**

***(By S.S.Sundar,J.)***

This Writ Appeal is directed against the order of the learned Single Judge dated 29.06.2015 made in W.P.No.23289 of 2013.

2. The respondent herein filed the Writ Petition in W.P.No.23289 of 2013, seeking the following relief:

“To call for the records of the first respondent in relating to the proceedings issued in Letter (1D) No.11/G1/2012 School Education Department dated 7.1.2013 and quash the same and issue a consequential direction to the respondents to extend the benefit of G.O.Ms.No.210 Education(G1) Department dated 14.8.2009 and to count the service rendered by the petitioner as Primary School Headmaster and Secondary Grade Teacher prior to 1.6.1988 for the purpose of Selection and Special Grade pay in the post of Middle School Headmaster and fix the petitioners pay in the post of Middle School Headmaster and grant arrears of pay and send the revised pension proposal to the Accountant General for sanction.”

3. The facts are not in dispute. Before 01.10.1970, the post of Secondary Grade Teacher, Primary School Headmaster and Middle School Headmaster carried the same scale of pay. After 01.10.1970, the post of Middle School Headmaster became a



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promotional post. However, the juniors were retained in the post of Middle School Headmaster after 01.10.1970, which led to various litigations.

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4. Ultimately, the Government issued G.O.Ms.No.784, Rural Development and Local Administration Department dated 14.05.1979, reverting the juniors, who are holding the post of Middle School Headmaster as on 01.10.1970. When the said Government Order was challenged, the Hon'ble Supreme Court upheld the Government Order issued vide G.O.Ms.No.784.

5. In these circumstances, an issue in respect of counting the service rendered by the individual as Secondary Grade Teacher/Primary School Headmaster to give Selection Grade / Special Grade to the Middle School Headmaster, who joined as a Secondary Grade Teacher before 01.10.1970, was raised before the Tamil Nadu Administrative Tribunal and the Tribunal, vide its order dated 17.04.2022 in O.A.No.3521 of 1997 etc. batch passed an order that was also upheld by this Court in several judgments, holding that the teachers are entitled to Selection Grade / Special Grade pay in the post of Middle School Headmaster from the date of promotion to the post of Middle School Headmaster by counting the service of Secondary Grade Teachers/Primary School Headmasters, if they joined before 01.10.1970.



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6. Based on the order, several individuals have filed Writ Petitions. Even though the Government has passed a Government Order vide G.O.Ms.No.210, School Education (G1) Department dated 14.08.2009 in terms of the order passed by the Administrative Tribunal, a question arose in the earlier proceedings as to whether persons, who had not filed applications in time are entitled to the relief or not.

7. The issue is now settled by a Full Bench decision of this Court passed in Rev.Aplc 227 of 2015 in W.A.No.352 of 2014, etc., batch, in and by which, the Full Bench, while issuing certain directions, refrained from entertaining writ petitions on and from 09.12.2016.

8. In the present case, it is admitted that the Writ Petitioner filed the application as early as on 28.07.2010 and thereafter, approached this Court by filing the present Writ Petition in 2013. The Writ Appeal is against the order in Writ Petition, holding that the petitioner's service as Higher Grade Teacher in case to be treated as Secondary Grade Teacher, he is eligible to claim the benefits of G.O.Ms.No.210. Hence, the petitioner is entitled to relief, subject to satisfying G.O.Ms.No.210. The next issue whether the writ petition is liable to be dismissed on the ground of laches. On a perusal of the judgment of the Full Bench of this Court, we are of the view that the



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respondent herein is entitled to the relief, which has already been extended to others,  
since he filed the Writ Petition long before the cut of date.

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9. In the result, this Court finds that there is no merit in the present Writ Appeal. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R,J.] [C.S.N,J.]  
27.03.2025

Index: Yes / No  
Internet: Yes / No  
Speaking Order/Non Speaking Order  
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**S.S.SUNDAR,J.,**  
**AND**  
**C.SARAVANAN,J.,**  
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