



W.A No. 2261 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2025

CORAM

THE HONOURABLE MR JUSTICE R. SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.A No. 2261 of 2024 and

C.M.P.Nos.15932 of 2024 and 10424 of 2025

1.The Director of Elementary Education

DPI Campus, College Road,
Chennai - 600 009.

2.District Educational Officer

Vellore District.

3.Block Educational Officer

Vellore Rural Block

...Appellants

Vs

D.Narayanasamy

BT Assistant (Mathematics), Panchayat
Union Middle School, Sathuvachari(East),
Vellore Rural Block, Vellore - 9.

... Respondent

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order dated 06.11.2023 made in W.P.No.8970 of 2021.



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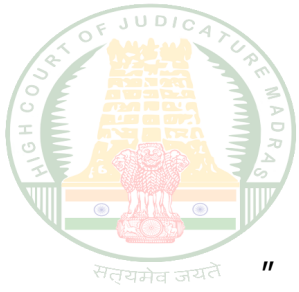
For Appellants : Mr.U.M.Ravichandran
Special Government Pleader

For Respondent : Mrs.Dakshayani Reddy, Senior
Counsel for Ms.S.S.Suneetha

JUDGMENT

(Judgment of the Court was delivered by R.Subramanian J.)

Though a larger issue was agitated before the learned Single Judge as to whether a teacher working in a Government Aided School (private management), upon being selected and appointed in a Government School to the same post, would be entitled to pay protection and the said larger issue has been referred to a larger Bench of this Court in view of the conflicting pronouncements by two Division Benches of this Court, Mrs.Dakshayani Reddy, learned Senior Counsel appearing for the respondent would submit that the respondent does not want to press his claim for pay protection and he would be satisfied if he is given the benefit of G.O.Ms.No.992 dated 22.06.1979, which provides for counting of service rendered under 'other managements' including aided agencies for the purpose of conferment of selection grade and special grade in the service of the Government Schools. The operative portion of the said Government Order reads as follows:

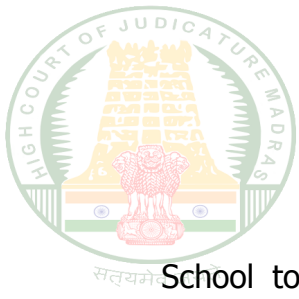


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" 4. The Government have carefully examined the matter and have decided that the relevant Panchayat Union Council Establishment Rules and the relevant Tamil Nadu Municipal Educational Service Rules be amended to ensure that the past services rendered by a teacher prior to his/her resignation from a Panchayat Union School are taken into account for computing the period of 10 years of service required for granting selection grade. Pending issue of amendment to the Panchayat Union Council Establishment Rules and the Tamil Nadu Municipal Rules the Government direct that the service rendered by a teacher in school under all kinds of management viz., Government, Panchayat Union, Municipal Corporation and aided agencies and also in Schools under the control of Director of Backward Classes and Director of Harijan and Tribal Welfare prior to his/her resignation / termination / transfer or migration should be counted for reckoning the required period of 10 years of service for the purpose of granting selection grade in that post, excluding the periods of break if any."

2. A Division Bench of this Court in **"The Director of Elementary Education and Others -vs- D.Selvarosebai"** dated 10.07.2023 made in W.A.No.3055 of 2019 has upheld the right of a teacher appointed to a Government



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School to have his or her service rendered under a private management to be counted for conferment of selection grade and special grade.

3. In view of the said pronouncement, the writ appeal is partly allowed. The directions issued by the learned Single Judge conferring pay protection on the respondent are set aside with a direction to the Government to confer the benefits of G.O.Ms.No.992 dated 22.06.1979 on the respondent viz., to count the services rendered under the private management for the purpose of conferment of selection grade and special grade in the post of B.T.Assistant (Mathematics). The appellants will calculate the benefits due and pay the same to the respondent within a period of twelve weeks from the date of receipt of a copy of this order. The writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M.,J.)

(K.G.T.,J.)

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Index:No

Internet:Yes

Neutral Citation:No



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AND

K.GOVINDARAJAN THILAKAVADI J.

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