



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2025

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CORAM
THE HONOURABLE MS JUSTICE R.N.MANJULA

WP NO. 24937 of 2019

T. SAMPATH,
43/34-C, Senthamizh Kudil,
Mel Street, Odugathur,
Vellore District, Pin:-632103

...

Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by the Secretary to the Government,
School Education Department,
Fort St. George, Chennai-600009.

2. The Principal Accountant General
(Accounts & Entitlements),
Tamil Nadu, 361, Anna Salai,
Chennai-600018.

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

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ Certiorarified Mandamus to call for the records relating to the impugned order of the third respondent in Na.Ka. No.7805/Aa-4/2018 dated 18-01-2019 and quash the same and direct the third respondent to fix the petitioners pay in the Selection Grade Scale of Secondary Grade Teacher with effect from 26-11-1987 and consequently direct the respondents to revise his subsequent pay and pension and grant me all consequential benefits



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For Petitioner : Mr.P.Rajendran

For Respondents : Ms.P.Rajarajeswari, G.A for R1
: Mr.P.Manorajan for R2

ORDER

This writ petition has been filed to call for the records relating to the impugned order of the third respondent in Na.Ka. No.7805/Aa-4/2018 dated 18-01-2019 and quash the same and direct the third respondent to fix petitioner's pay in the Selection Grade Scale of Secondary Grade Teacher with effect from 26-11-1987 and direct the respondents to revise his subsequent pay and pension and grant all consequential benefits.

2.Heard Mr.P.Rajendran, learned counsel for the petitioner and Ms.P.Rajarajeswari, learned Government Advocate for the first respondent and Mr.P.Manorajan, learned counsel for the 2nd respondent and perused the materials available on record.

3. The petitioner retired from service as a Tamil Pandit on 31.01.2009 from a government higher secondary school in Vellore District. He was initially appointed as a Secondary Grade Teacher on 03.11.1977. He was awarded



selection grade in the post of Secondary Grade Teacher on 01.06.1988. Later he was promoted as Tamil Pandit on 16.12.1992.

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4. The government of Tamil Nadu has issued a Government Order in G.O.Ms.304, Finance (PC) Department, dated 28.03.1990, to the benefit of those secondary grade teachers in high schools as on 28.03.1990 and who do not have promotional avenues. In order to ensure uniformity, the government has issued the above government order to grant selection/special grade pay to all the Secondary Grade Teachers of the high schools.

5. The Secondary Grade Teachers working in high schools and higher secondary schools have filed cases before the Tamil Nadu Administrative Tribunal saying that there was no promotional channel to the post of primary school headmaster for them, as it is available to the Secondary Grade Teachers working in primary schools. Hence, they claim that their pay in the selection grade and special grade should be fixed on par with primary school headmasters, and their applications were allowed, and the appeal preferred by the Government was dismissed.

6. Several persons have filed various writ petitions and consequently writ appeals and review petitions as well. Ultimately a full Bench of this Court passed



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a final order on 09.12.2016 in Review petition No.227/2015 by directing the government to implement the G.O.Ms.No.216, dated 22/03/1993 in respect of all the Secondary Grade Teachers of high / higher secondary schools who attained selection grade and special grade during the period between 01.06.1988 and 31.12.1995 and fixed their scale on par with the pay scale of primary school Headmaster. In the case of retired teachers, revised scale of pay was implemented for getting the revised pension / family pension. The above benefit is extended to all those who are eligible but who did not file writ petitions.

7. Consequent to the above judgement, the Government had issued a Government Order in G.O.Ms.No.90, School Education Department, dated 09.05.2018 for implementing the above judgement. The petitioner attained selection grade pay in the post of Secondary Grade Teacher on 26.11.1987. He was promoted to the post of Tamil Pandit on 16.12.1992. As his post of Tamil Pandit falls between the period from 01.06.1988 to 31.12.1995, he is entitled to get the selection grade and special grade in the post of Tamil Pandit. But the petitioner's request was not considered.

8. It is submitted by the learned Government Advocate for the first respondent that in the Full Bench judgement of this Court dated 09.12.2016, it has



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been specifically mentioned that the benefit is applicable only to those persons who were in service between 01.06.1988 and 31.12.1995 [during the 5th pay commission period]. The petitioner had got his selection grade on 26.11.1987 itself, and thereafter, he was not eligible to get the selection grade and special grade as a Tamil Pandit between the period from 01.06.1988 to 31.12.1995. He is not entitled to get the benefit of G.O.Ms. No. 90, School Education Department, dated 09.05.2018.

9. As the petitioner's selection grade and special grade as B.T. Assistant do not fall between the period from 01.06.1988 to 31.12.1995, it is right for the respondents to reject his representation. Hence, I do not find any illegality in the order, and the writ petition is liable to be dismissed. Accordingly, this writ petition is **dismissed**. No costs.

19.02.2025

Index : Yes
Internet : Yes/No
jrs



R.N.MANJULA, J.
jrs

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To

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Government of Tamil Nadu
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