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W.P.No.25901 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.25901 of 2024

And

W.M.P.No.28267 of 2024

S.Tamilkumaran

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai.

2.The Chief Educational Officer,
Mayiladuthurai.

3.The District Educational Officer (Elementary),
Mayiladuthurai.

4.The Block Educational Officer,
Kollidam,
Mayiladuthurai District.

5.Arulmozhi Aided Middle School
Rep. by its Secretary
Thiru A.Jayaveerapandiyan
Thandavankulam, Kollidam Union
Mayiladuthurai District 609 101.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the respondents 1 to 3 to take



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appropriate action against the fifth respondent for non-sanctioning of Selection Grade increment due to the petitioner w.e.f. 30.03.2020, annual increment from 01.01.2022, 01.01.2023 and 01.01.2024, in violation of Rule 28 (12) of the T.N.Recognised Private School Regulation Rules, 2023, pursuant to show cause notice by the third respondent dated 21.02.2023, 08.03.2023, and 12.04.2023, and disburse the same to the petitioner and deploy / transfer the petitioner from the fifth respondent School to any needy School, on considering the representation of the petitioner dated 03.12.2022, 05.01.2023, 05.01.2024, 26.06.2024 and 22.07.2024.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Ms.S.Mythreye Chandru for R1 to R4
Special Government Pleader
M/s.V.Kasinatha Bharathi for R5

ORDER

The instant writ petition has been filed with a prayer directing the fifth respondent to sanction Selection Grade and increment due in accordance with the Government Orders and the petitioner has also prayed for Mandamus to initiate action against the fifth respondent for the deliberate delay caused by him in sanctioning the above amount.



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2.The learned counsel appearing for the petitioner would submit that the petitioner joined the fifth respondent School on 30.03.2010 and has been serving there. The learned counsel would further submit that inspite of the petitioner's entitlement, the fifth respondent is delaying to sanction the amount.

3.The learned Special Government Pleader would submit that the petitioner is eligible for Selection Grade and that they have already forwarded a proposal to the fifth respondent. Hence, they supports the petitioner.

4.The learned counsel appearing for the fifth respondent would submit that he appeared only recently and he is not in a position to file a counter affidavit.

5.The question of granting time for the fifth respondent to file a counter affidavit in a matter filed on 02.09.2024 does not arise. I have given my anxious consideration to either side submissions.

6.From the submissions of the learned Special Government



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Pleader it is apparently clear that the petitioner is eligible for Selection Grade. In this regard, it is relevant to extract the relevant portion of the counter affidavit hereunder:

<i>"Name and Designation</i>	<i>School to which transferred</i>
<i>1.S.Thamizhkumaran B.T.Assistant</i>	<i>Panchayat Union Middle School Manigramam</i>
<i>2.R.Sujatha Secondary Grade Teacher</i>	<i>Devi Aided Primary School Mananthiruvasal (under direct payment)</i>

The above order has been given effect to. It is submitted that the representation made by the petitioner requesting for grant of selection grade with effect from 30.3.2000 and sanction of annual increment from 01.01.2022, 01.01.2023 and 01.01.2024, was already forwarded to the 5th respondent itself and it is the responsibility of the 5th respondent to pass appropriate orders as per the rules and regulations. It has been brought to notice of the 2nd and 3rd respondent that the 5th respondent has withheld the above benefits on the ground that the petitioner has not co-operated with the School Management. While the matter stood thus, the petitioner has filed this Writ petition."

7. Therefore from the above, it is clear that the petitioner is eligible for Selection Grade, and it becomes necessary to direct the fifth respondent. However, the fifth respondent on account of some



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personal animosity between the petitioner and the fifth respondent is not sanctioning the amount. Therefore, again directing the fifth respondent to sanction the said amount would only delay the issue. When the respondents 1 to 4 have categorically found that the petitioner is eligible for the Selection Grade with effect from 30.03.2020, this Court deems it appropriate to direct the fifth respondent to forward the proposal to the respondents 1 to 4 within a period of four weeks from the date of receipt of a copy of this order. This Court further directs the fifth respondent to sanction the other benefits which the petitioner is otherwise eligible in accordance with law without making further delay.

8.In the result, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Director of Elementary Education,
College Road,
Chennai.

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C.KUMARAPPAN,J.
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