



W.P.No.27556 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27556 of 2019

S.Amirtham

... Petitioner

Vs.

- 1.The Govt. of Tamil Nadu,
Rep. by Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.
- 2.The Director of School Education,
College Road, Chennai - 6.
- 3.The Director of Elementary Education,
College Road, Chennai - 6.
- 4.The Chief Educational Officer,
Salem District, Salem.
- 5.The District Educational Officer,
Salem District, Salem.
- 6.The Headmaster,
Government High School,
Para Nattamangalam,
Salem - 10.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to award selection grade scale of pay to the petitioner in the post of B.T.Assistant on 05.11.2017 by counting the service rendered in the post B.Ed., Middle School Headmaster also rendered for the period between 22.03.2011 and 03.08.2017 with all consequential benefits.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mrs.P.Rajarajeswari, GA

ORDER

This Writ Petition has been filed to direct the respondents to award selection grade scale of pay to the petitioner in the post of B.T.Assistant on 05.11.2017 by counting the service rendered in the post of Middle School Headmaster also, rendered for the period between 22.03.2011 and 03.08.2017 with all consequential benefits.

2. Heard Mr.R.Saseetharan, learned counsel for the petitioner, Mrs.P.Rajarajeswari, learned Government Advocate for the respondents and perused the materials available on record.



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3. The petitioner was appointed as Secondary Grade Teacher at Panchayat Union Primary School, Salem District and he has been promoted to the post of B.T.Assistant (Tamil) on 03.11.2007. Later, he was promoted to the post of Middle School Headmaster on 23.11.2011 and he was transferred to one Panchayat Union Middle School, Paranattanmangalam. On 18.07.2017, the Middle School at Paranattanmangalam has been upgraded into High School in pursuant to the Government Order in G.O.Ms.No.174, dated 18.07.2017. As the petitioner was only a Middle School Headmaster, he was posted as B.T.Assistant in the upgraded High School. The petitioner continues to serve as B.T.Assistant and he has completed 10 years in the said post on 03.11.2017.

4. The learned counsel for the petitioner submitted that the petitioner has been given with pay protection even while he was posted as B.T.Assistant from the post of Middle School Headmaster and infact, the post of Middle School Headmaster carries higher salary than that of B.T.Assistant. However, in the matter of granting selection grade as per



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G.O.Ms.No.1529 dated 13.11.1990, the service rendered in the cadre of Middle School Headmaster should also be counted for the purpose of awarding selection grade in the category of B.T.Assistant grade teachers. Hence, the petitioner sent a representation to the respondents 1 and 2 for awarding the selection grade in the post of B.T.Assistant on his completion of 10 years of service as on 03.11.2017 in the said post.

5. The learned Government Advocate for the respondents has cited the Government Letter dated 09.08.2011 issued by the Personnel and Administrative Reforms (S) Department in Letter No.23373/S/2011-2, dated 09.08.2011 and claimed that the service rendered in the selection grade or special grade of the lower post shall be counted for awarding selection grade in the higher post only if the scale of pay of the selection or special grade of the lower post and that of the higher post are identical or higher. The above Government Letter has been issued as a clarification to the earlier Government Order issued in G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009 which permits the employees to exercise option to come over to the revised scales of pay on the date of their



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award of selection or special grade by foregoing the arrears entitled to them with effect from 01.01.2007, so that they were also allowed the same benefit as that of the employees who were awarded with selection / special grade prior to 01.01.2006.

6. The petitioner does not claim any benefit under lower scale of pay which would arise in pursuant to any pay commission recommendations. The simple claim of the petitioner is to award him selection grade in the particular post for having completed 10 years of service. Hence, it is unnecessary to cite a Government Order in G.O.Ms.No.210 dated 11.03.1987 and G.O.Ms.No.234 dated 01.06.2009 and the consequential clarification letter, to the case of the petitioner. The petitioner does not claim any anomaly to that of his juniors on account of the revised pay scale arise out of pay commission recommendations.

7. It is reiterated that the petitioner's claim is to award him the selection grade for having completed 10 years of service in the post of B.T.Assistant. The respondents 1 and 2 did not deny the fact that the



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petitioner has been promoted as B.T.Assistant on 03.11.2007. Thereafter, he was promoted from the post of B.T.Assistant (Tamil) to the post of Middle School Headmaster on 23.11.2011. Subsequently, he was once again posted as B.T.Assistant with pay protection taking into account of middle school where he was posted has been upgraded to high school.

8. The petitioner has completed 10 years of service from the date on which he was promoted as B.T.Assistant as on 03.11.2017. As the petitioner has held that the post of Middle School Headmaster for a short while in between the above 10 years, the petitioner has cited G.O.Ms.No.1529 dated 13.11.1990 to his benefit. In the above Government Order, it is clarified in unequivocal terms to include the period of service rendered in the cadre of Middle School Headmaster for the purpose of awarding selection or special grade in the category of B.T.Grade Teacher.

9. Despite the petitioner had come out with the straight case, the respondents for the reasons best known to them had invited the



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Government Orders issued subsequent to the pay revision unnecessarily.

The Government Order applicable to the case of the petitioner is only G.O.Ms.No.1529 dated 13.11.1990 for his limited claim of awarding selection grade in the post of B.T.Assistant.

10. In view of the above stated reasons, this Writ Petition is allowed and the respondents 1 and 2 are directed to consider the representation of the petitioner and grant him the selection grade for his completion of 10 years of service as B.T.Assistant on 03.11.2017 and pass orders to that effect by refixing his pay on that basis by granting all other consequential service benefits and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To



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R.N.MANJULA, J.

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