



W.A(MD) No.3 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.3 of 2023
and
C.M.P.(MD)No.56 of 2023**

1.State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai-600 006.

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

4.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

... Appellants / Respondents 1 to 4

Vs

1.A.Wilson James

... 1st Respondent / Writ Petitioner



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2.The Correspondent,
Christhuraja Higher Secondary School,
Palayamkottai-627 002,
Tirunelveli District.

... 2nd Respondent / 5th Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 22.07.2021 passed in W.P. (MD)No.12028 of 2021 on the file of this Court.

For Appellants : Mr.R.Baskaran
Additional Advocate General
assisted by
Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondents : Ms.A.Amala
for R1

: No appearance
for R2

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2. The State is on appeal questioning the order dated 22.07.2021 allowing W.P.(MD)No.12028 of 2021 filed by the first respondent herein namely Shri.Wilson James.

3. Shri.Wilson James was appointed as secondary grade teacher in the year 1997. He was promoted as BT Assistant on 17.02.2009. The only question that calls for consideration is whether Wilson James can claim the benefit of G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011. The learned single Judge held that the writ petitioner can very well claim the benefit of G.O.Ms.No.23 dated 12.01.2011 and allowed the writ petition.

4. The issue is no longer *res integra*. The Hon'ble Division Bench vide order dated 04.02.2022 in Review Application Nos.89 & 117 of 2021 had held that the persons promoted before 01.08.2010 cannot claim special allowance and also special pay as per G.O.Ms.No.23, Finance (Pay Cell) Department, dated 12.01.2011. In that view of the matter, the writ appeals filed by the department were also allowed and the orders of the learned single Judge were set aside.



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5. Respectfully following the said order, we set aside the order of the learned single Judge and allow this writ appeal. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
13.06.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi



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