



W.P.(MD).No.9094 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.9094 of 2019
and
W.M.P.(MD).No.7088 of 2019

C.S.Raja

.. Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
School Education Department,
Secretariat,
Chennai – 600 009.

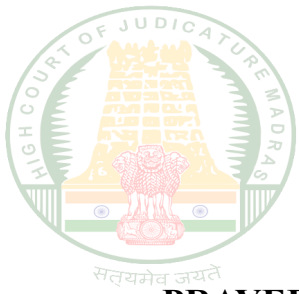
2.The Director of Elementary Education,
O/o.the Director of Elementary Education,
DPI Campus, College Road,
Chennai - 6.

3.The Principal Accountant General(A&E),
O/o.the Principal Accountant General(A&E),
361, Anna Salai, Chennai – 600 018.

4.The District Educational Officer,
O/o.the District Educational Officer,
Tirunelveli.

5.The Block Educational Officer-II,
Formerly Additional Assistant Elementary
Educational Officer,
O/o.the Block Educational Officer,
Vasudevanallur,
Tirunelveli District.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in No.P25/3/12516311/ADK dated 06.02.2018 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, directing the respondents to re-fix the pension of the petitioner by way of granting Special Grade in the post of Primary School Headmaster with effect from 01.04.1997 along with arrears by way of extending the benefit of G.O.Ms.No.207 School Education Department dated 30.09.2008 with all consequential benefits within the time period stipulated by this Court.

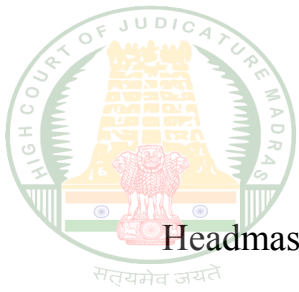
For Petitioner : Mr.S.Rajasekar
for Mr.T.Lajapathi Roy

For R-1, R-2 : Mr.N.Satheesh Kumar
R-4 & R-5 Additional Government Pleader

For R-3 : Mr.P.Gunasekaran

ORDER

The petitioner is a retired Primary School Headmaster. He was originally appointed as Secondary Grade Teacher in P.M.T Elementary School, Thalavaipuram on 17.03.1973. Subsequently, he was awarded selection grade and special grade for the very same post on 15.03.1986 and 16.03.1996 respectively. Thereafter, he was promoted as a Primary School Headmaster on 01.04.1997 and retired from service on 31.12.2000. He has come forward with the Writ Petition seeking to award special grade in the post of Primary School



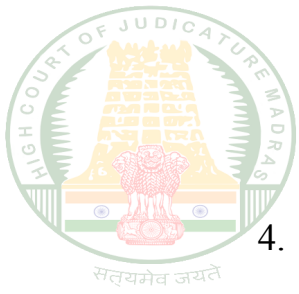
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Headmaster with effect from 01.04.1997 by extending the benefits of

G.O.Ms.No.207, School Education Department, dated 30.09.2008.

2. For getting special grade pay, it requires the petitioner to complete 10 years of service in the post of Primary School Headmaster, whereas, admittedly, in this case, the petitioner, after being appointed as Primary School Headmaster on 01.04.1997, retired from service on 31.12.2000, i.e., within 2½ years. Hence, the petitioner has not completed 10 years of service, which is a mandatory requirement for awarding special grade in the post of Primary School Headmaster.

3. The petitioner has also contended that G.O.Ms.No.207 dated 30.09.2008 is applicable to him and as per the said Government Order, he is entitled for grant of special grade with effect from 01.04.1997. G.O.Ms.No.207 is made applicable only to the Primary School Headmasters employed from 01.06.1988 and those who were continuing in the post after 01.08.2005 are made eligible for getting special grade, whereas, in this case, the petitioner has attained superannuation even in the year 2000. Hence, the said Government Order is not applicable to the case of the petitioner.

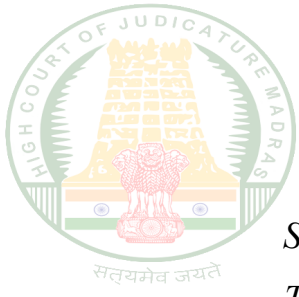


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4. Apart from that, this Court, in the case of ***P.Santhanam Vs. The Accountant General (A&E), Chennai and others*** in ***W.P.(MD).No.14662 of 2023 dated 11.12.2024***, in paragraphs 11 and 12, has held that G.O.Ms.No.207 is applicable only to the teachers working in the Panchayat Union Schools and separate ratification is also issued in this regard that the teachers working in other aided schools are not eligible for getting the benefit of the said Government Order. The relevant portion of the order reads as follows:

“11.It is the specific contention of the respondents that the above said G.O.Ms.No.207, School Education Department dated 30.09.2008 is applicable only to teachers working in the Panchayat Union Schools. A perusal of the clarificatory letter issued by the Secretary to Government, School Education Department dated 11.07.2017 reveals that G.O.Ms.No.207 is applicable only to the teachers working in Panchayat Union Schools and not in other schools. It is contended on the side of the petitioner that all the Government Orders relating to pay scales of Government School Teachers are applicable to Aided School Teachers in view of Section 19 of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973. However, a perusal of Section 19 of the said Act reveals that the Government has got powers to issue orders regarding service condition and pay scale of the teachers in the Aided School.

12.Series of Government Orders issued would reveal that whenever any monetary benefit is conferred upon a teacher, separate Government Orders are issued for Government



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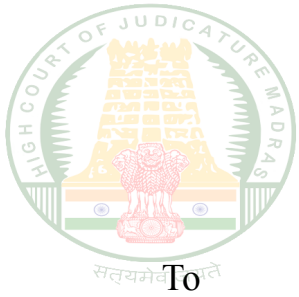
Schools, Aided Schools and Panchayat Union Schools.

Therefore, unless a specific Government Order is issued to cover the teachers working in the Aided School, the Aided School Teachers cannot automatically claim the benefit that is conferred upon the Government School Teachers or the teachers working in the Schools run by local bodies. Therefore, such a contention raised by the learned counsel for the writ petitioner is legally un-sustainable.”

5. In view of the above discussion, this Court finds no merits in the claim of the petitioner. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

04.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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K.RAJASEKAR,J.

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