



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.A.(MD) Nos.1817 of 2024 & 193 of 2025

and

C.M.P.(MD) Nos.13775 of 2024 & 1179 of 2025

W.P.(MD) No.1817 of 2024:

- 1.The Director of School Education
College Road, Chennai-600 006
- 2.The Director of Elementary Education
College Road, Chennai-600 006
- 3.The Joint Director of Kallar Reclamation
Madurai District-625 020
- 4.The District Educational Officer
Melur, Madurai District
- 5.The Block Educational Officer
Madurai East, Madurai District
- 6.The Headmaster
Government Kallar High School
Ayyanarkulam-625 537
Madurai District

... Appellants

-VS-



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY

1.S.Murugesan

2.The Correspondent
Dhanamani Vidyasalai
Middle School
Goripalayam
Madurai-625 002

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 14.06.2023, passed in W.P.(MD) No.24948 of 2019, on the file of this Court.

For Appellants : Mr.V.Om Prakash
Government Advocate

For Respondents : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers for R1

W.P.(MD) No.193 of 2025:

S.Murugesan

... Appellant

-vs-

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

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

Page 2 of 10



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY

3.The Joint Director of Kallar Reclamation
Madurai District-625 020

4.The District Educational Officer
Melur, Madurai District

5.The Block Educational Officer
Madurai East, Madurai District

6.The Correspondent
Dhanamani Vidyasalai
Middle School
Goripalayam
Madurai-625 002

7.The Headmaster
Government Kallar High School
Ayyanarkulam-625 537
Madurai District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 14.06.2023, passed in W.P.(MD) No.24948 of 2019, on the file of this Court.

For Appellant : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.V.Om Prakash
Government Advocate for R1 to R5 & R7



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY

J U D G M E N T

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

One Murugesan, a B.T.Assistant with B.Ed. qualification, was serving in a Secondary Grade School since 29.06.1998. Though his B.Ed. qualification was considered as over qualification for the post of Secondary Grade Teacher, by virtue of G.O.(Ms) No.79, School Education (U1) Department, dated 14.06.2002, upgrading the post of Secondary Grade Teacher to the post of B.T.Assistant, his qualification was in consonance with the recruitment rules. Pursuant to the spate of litigation and consequence to the said Government Order in G.O.(Ms) No.79, School Education (U1) Department, dated 14.06.2002, the appointment of the said Murugesan along with three others, namely, Alagumugam, Pandiselvarani and Indirani, was approved by the District Elementary Education Officer, *vide* order dated 29.07.2008 and they were permitted to draw a consolidated pay of Rs.4,000/- from 14.06.2002 and they were also ordered to get time scale of pay with effect from 01.06.2006.



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY

2. Contending that they are entitled for time scale of pay from the date of regularization of their service i.e., with effect from 14.06.2002, Indirani and Pandiselvarani, two Secondary Grade Teachers, who are similarly placed candidates like the said Murugesan, approached this Court by filing W.P.(MD) Nos.2322 of 2009 & 2323 of 2009 respectively, seeking for fixation of regular time scale of pay with effect from 14.06.2002 instead of 01.06.2006.

3. The learned Single Judge, by a common order dated 24.11.2014, while considering the said writ petitions, found that apart from the writ petitions before the Court, one Murugesan and another one Teacher, by name, Alagumugam were also entitled for the relief of fixation of regular time scale of pay with effect from 14.06.2002 and with the said observations, allowed the said writ petitions. The appeals preferred by the State in W.A. (MD) Nos.637 & 638 of 2015, challenging the said order dated 24.11.2014 passed by the learned Single Judge in the said writ petitions, were dismissed by the Division Bench of this Court, by a common Judgment dated 02.12.2016.

4. While the facts being so, the said Murugesan filed a separate writ petition in W.P.(MD) No.271 of 2014 seeking fixation of regular time scale



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY

of pay from 14.06.2002 instead of 01.06.2006, however, he withdrew the said writ petition subsequently in view of the observations made by the learned Single Judge, in the order dated 24.11.2014, in W.P.(MD) Nos.2322 & 2323 of 2009 filed by the said Indirani and Pandiselvarani and accordingly, the said writ petition was, by an order dated 23.02.2017, dismissed as withdrawn. However, the benefits given to the said Indirani and Pandiselvarani were not extended to the said Murugesan, which was forced him to file the present writ petition in W.P.(MD) No.24948 of 2019.

5. The learned Single Judge, who heard the said writ petition, thought that the said Murugesan falls on a different footing and therefore, he is not entitled for the monetary benefits with effect from 14.06.2002, however he is entitled for notional promotion in view of the fact that he is at the verge of retirement and if the relief sought by the said Murugesan is granted, it will cause financial constraints to the Government and accordingly, by an order dated 14.06.2023, allowed the said writ petition, while refusing to grant monetary benefits to the writ petitioner – Murugesan with effect from 14.06.2002.



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY

6. Being aggrieved by the said order dated 14.06.2023 granting service benefits to the said Murugesan with retrospective effect, the State has preferred W.A.(MD) No.1817 of 2024. Whereas, the said Murugesan has also preferred W.A.(MD) No.193 of 2025 against the order dated 14.06.2023 declining to grant monetary benefits from 14.06.2002.

7. At the first instance, it is to be noted that the appeals in W.A. (MD) Nos.637 & 638 of 2015 preferred by the State against the order dated 24.11.2014, passed in W.P.(MD) Nos.2322 & 2323 of 2009, were dismissed by the Division Bench of this Court, by Judgment dated 02.12.2016 and the order dated 24.11.2014, passed in W.P.(MD) Nos.2322 & 2323 of 2009 filed by the said Indirani and Pandiselvarani, were confirmed. While so, when the benefits extended to the said Indirani and Pandiselvarani by the learned Single Judge are identical to the relief sought for by the similarly placed candidate, namely, Murugesan, the same cannot be denied or deprived to the similarly placed candidate Murugesan.

8. Further, the learned Single Judge, in the impugned order, has cited the financial constraints of the State as impediment to extent the monetary benefits to the writ petitioner Murugean. We are of the view that the



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY

said reasoning does not augur well and also does not stand in the judicial scrutiny. Hence, the order of the learned Single Judge insofar as the portion declining to extent the monetary benefits to the writ petitioner – Murugesan with effect from 14.06.2002, is set aside.

9. Accordingly, W.A.(MD) No.1817 of 2024 preferred by the State is dismissed and W.A.(MD) No.193 of 2025 preferred by the writ petitioner – Murugesan is allowed. The order of the learned Single Judge, dated 14.06.2023, passed in W.P.(MD) No.24948 of 2019, insofar as the portion declining to extent the monetary benefits to the writ petitioner – Murugesan with effect from 14.06.2002, is set aside. The State is hereby directed to extent the monetary benefits from 14.06.2002 to the writ petitioner – Murugesan, as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.]

[R.P., J.]

20.03.2025

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

krk



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

WEB COPY

To:

- 1.The Director of School Education,
College Road, Chennai-600 006.
- 2.The Director of Elementary Education,
College Road, Chennai-600 006.
- 3.The Joint Director of Kallar Reclamation,
Madurai District-625 020.
- 4.The District Educational Officer,
Melur, Madurai District.
- 5.The Block Educational Officer,
Madurai East, Madurai District.
- 6.The Headmaster,
Government Kallar High School,
Ayyanarkulam-625 537,
Madurai District.



WEB COPY



W.A.(MD) Nos.1817 of 2024 & 193 of 2025

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

krk

W.A.(MD) Nos.1817 of 2024 & 193 of
2025
and
C.M.P.(MD) Nos.13775 of 2024 &
1179 of 2025

20.03.2025