



W.A(MD)No.1083 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.08.2025

CORAM

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

**W.A(MD)No.1083 of 2020
and
C.M.P(MD)No.5900 of 2020**

1.The Secretary to Government,
School Education Department,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai – 600 009.

2.The Director of Elementary Education,
College Road, Chennai – 6.

3.The District Educational Officer,
Tirunelveli.

... Appellants /
Respondents 1 to 3

Vs.

1.Vimalanesam

... 1st Respondent /
Writ Petitioner

2.The Manager,
TDTA Elementary Schools,
Diocesan Office – CSI Tirunelveli Diocese,
Palayamkottai,
Tirunelveli – 2.

... 2nd Respondent /
4th Respondent



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 16.12.2019 passed in W.P(MD)No.232 of 2014 and dismiss the writ petition.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondents : M/s.T.A.Ebenezer for R.1

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

The State Government has filed this appeal challenging the order dated 16.12.2019 passed by the learned single Judge allowing W.P(MD)No.232 of 2014 filed by the first respondent herein.

2.The first respondent herein was appointed as secondary grade teacher in an aided minority school on 24.08.1977. Later she was promoted as Headmistress on 16.10.1980. Thereafter, she was reverted and transferred as secondary grade teacher on 01.06.1987.

3.Prior to 01.06.1988, there is no difference in the pay scale between secondary grade teacher and elementary school headmaster. Following the



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recommendations of the 5th pay commission, the post of elementary school headmaster was placed in a higher pay scale. This gave rise to certain pay anomalies also.

4.To set right the same, GO(Ms)No.202 School Education Department dated 24.09.2008 came to be issued. As per the said GO, those persons who were appointed as secondary grade teachers prior to the cut off date were placed in the same pay scale as that of elementary school headmaster. The first respondent herein wanted the benefit of the said GO to be extended to her also. The writ petitioner had retired in the year 2008 itself. Thereafter, she called upon the Government to extend the benefit of the aforesaid GO to her. Her request was rejected vide order dated 06.02.2012. Challenging the same, she filed W.P(MD)No.232 of 2014. The learned single Judge allowed the writ petition in the following terms:

“6. The only issue to be decided in this matter is whether the petitioner is eligible for availing the benefit of G.O.Ms.No. 202 School Education (G2) Department, dated 24.09.2008 or not. The same issue has been settled by this Court in its order dated 22.08.2014 in WP(MD) No.11190 of 2009. The relevant portion of the order is extracted below:-

5. So far as the benefits under the Government Order in G.O.(Ms) No. 202 is concerned, the learned



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counsel would submit that such issue is no more res integra as the same has been decided by this Court in T.Joseph and others Vs.The State of Tamil Nadu rep by its Secretary to Government, School Education Department, Fort St.George, Chennai – 9 in Writ Petition Nos.23975 to 23980 of 2012 dated 04.09.2012.

.....9. A plain reading of the Government Order in G.O(MS) No.202 would go to show that there is no indication that it is not applicable to private aided schools. As has been held by this Court in T.Joseph's case, it is immaterial as to whether a teacher had worked in private aided school or in a Government School. If at all even assuming that a teacher is working in a private school, salary is only paid by the Government. There is no disparity between the teachers between the private schools and Government Schools. In all respects in respect to salary, service conditions etc., the teachers working in private schools are treated on par with the teachers working in Government Schools. Therefore, when the Government Order in G.O.Ms.No.202 is made applicable to the teachers working in Government Schools, quite naturally, logically and ethically, it should be applicable to the teachers working in private schools as well. In such view of the matter, I hold that the petitioner is entitled to the benefits of Government Order in G.O.Ms.No.202, School Education (G2) Department, dated 24.09.2008.

7. The above order is squarely applicable to the present case also and therefore, the impugned order dated 06.02.2012 is set aside and the respondents are directed to extend the benefit of G.O.Ms.No.202, School Education Department, dated 24.09.2008 to the petitioner and such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. ”

Aggrieved by the same, this Writ Appeal has been filed.



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5.The issue raised in this Writ Appeal is no longer *res integra*. The Division Bench of this Court in ***W.A.No.74 of 2014 (The State of Tamil Nadu & Others Vs S.Augustine)*** held that GO(Ms)No.202 School Education Department dated 24.09.2008 would be inapplicable to any school except Panchayat Union School. In paragraphs 2 and 6 of the said decision it was specifically observed that the aforesaid GO will not be applicable to Government aided minority schools. This Division Bench decision was recently followed in W.A(MD)No.1436 of 2014 (The Secretary to Government & Others Vs S.Manimuthu Samuel & another) dated 19.09.2023. In view of these twin decisions of co-ordinate Division Benches, we set aside the order of the learned single Judge.

6.This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
13.08.2025

NCC : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

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To

The Manager,
TDTA Elementary Schools,
Diocesan Office – CSI Tirunelveli Diocese,
Palayamkottai,
Tirunelveli – 2.

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