



W.P.(MD)No.18201 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18201 of 2025

and

WMP (MD) No.13971 of 2025

T.Ezhil

... Petitioner

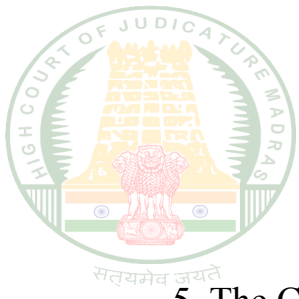
-VS-

1. The State of Tamil Nadu,
Represented by its Principal Secretary
to Government,
School Education Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

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

3. The Joint Director (Vocational) Education,
School Education Department,
College Road,
Chennai - 600 006.

4. The Chief Accounts Officer,
Commissioner of School Education,
Chennai - 600 006.



W.P.(MD)No.18201 of 2025

5. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

6. The District Educational Officer,
Nagercoil,
Kanyakumari District.

7. The Headmaster,
Government Girls Higher Secondary School,
Kadiapattinam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 7th respondent by his proceedings in Na.Ka.No. 46/2025 dated 02.06.2025 and quash the same as illegal and consequently to direct the respondents to continue to disburse the same allowance without any reduction or recovery in the post of Computer Instructor Grade-I.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings dated 02.06.2025, passed by the seventh respondent and consequently, to direct



W.P.(MD)No.18201 of 2025

respondents to continue to disburse the same allowance without any reduction or recovery in the post of Computer Instructor Grade-I.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, appearing on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. When the matter was taken up for hearing, the learned counsels on both sides, submitted that the issue involved in this writ petition is squarely covered by the order of this Court dated 08.03.2024, passed in W.P.(MD) No. 27205 of 2023 and etc., batch cases (***M.Rajmohan Vs. The Government of Tamil Nadu, Rep. by its Secretary, School Education Department***). The relevant portion of the order is extracted hereunder:

“... 7. Admittedly, the pay scale was fixed not on the request made by the petitioners and not on the fault committed by the petitioners and not on the false representation of the petitioners. Further insofar as pay



WEB COPY



W.P.(MD)No.18201 of 2025

scale is concerned as per government order, now their pay scale has been revised and they have been paid salary as per the revised salary. That apart, the post of Computer Instructor Grade-II has carried time scale of Rs.9,300-34,800+Grade Pay Rs.4,600. The post was upgraded as Computer Instructors Grade-I, and only the grade pay of Rs.200/- alone excess in the grade pay to Computer Instructors Grade-I.

8. Further this Court also struck down the clause (v) in para 2 of the government order in G.O.Ms.No.26, School Education (SE7-1) Department dated 12.02.2019 and the relevant portion is reads as follows:-

“9.The petitioners after they were ultimately appointed as Computer Instructors in the year 2015, were hoping that it will be sailing smooth atleast for the rest of their career. However, the respondents thought it otherwise. The petitioners are eligible to be considered for



WEB COPY



W.P.(MD)No.18201 of 2025

promotion under the NCTE Norms for the post of Computer Instructors Grade-I. However, a condition was added in the impugned Government Order which ensured that none of them who were directly appointed Computer Instructors will get their promotion to the next higher post.

10. Under normal circumstances, this Court will never interfere with the service conditions since it is the prerogative of the employer. This Court is also aware of the fact that no one has a fundamental right for promotion and that there is only a fundamental right for being considered for promotion if the aspiring candidates fulfill the requirements. There is only one exception where this Court will question the condition imposed by the employer and that is where the condition is opposed to any Statute or Regulations or where it is added with a malafide intention to ensure that only a certain category of persons will be fulfilling



WEB COPY



W.P.(MD)No.18201 of 2025

the eligibility and the others will be relegated from the process of selection

11.In the present case, right from the beginning, the respondents have always supported only those persons, who came in through ELCOT on contract basis. The same has already been commented upon in the earlier paragraphs of this judgment. The requirement of 8 years experience was not prescribed under the NCTE Regulations. Going by the previous happenings in the present case and the attitude of the respondents against the regularly employed Computer Instructors, it is clear that this 8 years experience has been added in the Government Order only to ensure that the petitioners are not considered for promotion to the post of Computer Instructor Grade-I during the present selection. It was tailor-made to avoid the petitioners from being promoted to the post of Computer Instructor Grade-I. If the petitioners are



WEB COPY



W.P.(MD)No.18201 of 2025

denied promotion during the present selection, most of them will have a very bleak chance of getting further promotion to the post of Headmaster, Higher Secondary School. Denial of promotion during the present selection will definitely have a cascading effect in the career of the petitioners.”

9. Therefore, the petitioners are not entitled for pay sale equivalent to P.G. Assistant and they are entitled for the pay scale in the cadre of Computer Instructor Grade-I. However, the excess amount which was already paid to the petitioners cannot be recovered, since it was not paid due to their representation or due to their fault

10. In view of the above discussions, it cannot be said that the order passed by the Chief Accounts Officer, Chennai, finds with any infirmity. However, the orders passed by the Headmaster of the respective schools, insofar as the recovery of excess salary, cannot



WEB COPY



W.P.(MD)No.18201 of 2025

be sustained and it is liable to be quashed. Accordingly, the orders passed by the Headmaster of the respective schools, dated 24.08.2023, 25.08.2023, 23.08.2023, 19.07.2023, 21.08.2023, 09.06.2023, 29.05.2023, 14.09.2023, 13.09.2023, 21.09.2023, 07.11.2023, 04.11.2023 are hereby quashed. The respondents are directed to fix the scale of pay to the petitioners in the cadre of Computer Instructor Grade-I in the pay scale of Rs.9,300-34,800+Grade Pay Rs.4,800 and pay the salary accordingly to the petitioners and arrears if any, within a period of eight weeks from the date of receipt of a copy of this Order.

11. With the above directions, all the Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs."



W.P.(MD)No.18201 of 2025

WEB COPY

4. In view of the same, by following the order stated supra, this Writ

Petition is allowed with the following directions:

i) the impugned proceedings issued by the seventh respondent in Na.Ka.No.46/2025 dated 02.06.2025, is hereby quashed;

ii) The respondents are directed to fix the scale of pay to the petitioner in the cadre of Computer Instructor Grade-I in the pay scale of Rs. 9,300-34,800+Grade Pay Rs.4,800 and pay the salary accordingly to the petitioner and arrears if any, within a period of eight weeks from the date of receipt of a copy of this Order.

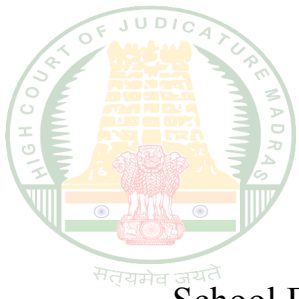
No costs. Consequently, the connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
PKN

04.07.2025

To:-

1. The State of Tamil Nadu,
Represented by its Principal Secretary
to Government,



W.P.(MD)No.18201 of 2025

School Education Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

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

3. The Joint Director (Vocational) Education,
School Education Department,
College Road,
Chennai - 600 006.

4. The Chief Accounts Officer,
Commissioner of School Education,
Chennai - 600 006.

5. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

6. The District Educational Officer,
Nagercoil,
Kanyakumari District.

7. The Headmaster,
Government Girls Higher Secondary School,
Kadiapattinam,
Kanyakumari District.



WEB COPY



W.P.(MD)No.18201 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD)No.18201 of 2025

04.07.2025