



W.A.(MD)No.1267 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 04.02.2025

PRONOUNCED ON : 07.02.2025

CORAM

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

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and

M.P.(MD)Nos.1 & 2 of 2015

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

2.The Director of School Education,
College Road, Chennai-6.

3.The Chief Educational Officer,
Madurai-2.

4.The District Educational Officer,
Melur, Madurai-2.

5.The Headmaster,
Government Higher Secondary School,
Samayanallur-625 402,
Madurai District.

... Appellants / Respondents

-VS-



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A.Srinivasan

... Respondent/ Petitioner

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Prayer: This Writ Appeal is filed under Clause XV of Letters Patent, to set aside the order passed in W.P.(MD)No.10874 of 2011, dated 20.12.2011 on the file of this Court.

For Appellants : Mr.V.Om Prakash
Government Advocate
For Respondent : No Appearance

JUDGMENT

[Judgment of the Court was made by **DR.G.JAYACHANDRAN, J.**]

The respondent who served as Secondary Grade Teacher in a Primary School seeks parity of pay with that of Primary School Headmaster and sought for extending the benefit of G.O.Ms.No.258 School Education Department dated 06.09.2010.

2. The learned Single Judge allowed the writ petition holding that the respondent/writ petitioner is entitled for the benefit of G.O.Ms.258 dated 06.09.2010.



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3. Being aggrieved, writ appeal preferred by the State contending that G.O.Ms.No.258 dated 06.09.2010 was issued pursuant to the judgment passed in the writ petition filed by one Govindarajan, a retired Secondary Grade Teacher. It is ordered *persona* cannot be extended to all retired teachers. The pay fixation prior to 5th pay commission providing special Grade and Secondary Grade to the Secondary Grade Teachers was not in existence subsequent to the introduction of the 5th pay commission with effect from 01.06.1988.

4. The post of Secondary Grade teacher and Primary School Headmaster were not interchangeable subsequent to 5th pay commission since the pay scale was not identical. However, the learned Single Judge without properly considering G.O.Ms.No.216 dated 22.03.1993 allowed the writ petition in favour of the writ petitioner inspite of the fact that he attained superannuation on 31.12.1997.

5. When the matter taken up for consideration today, the learned Government Advocate appearing for the appellant would submit that in view of the judgment rendered by the full Bench of this Court on 09.12.2016 the



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issue regarding pay anomaly between the Secondary Grade teacher and Primary School Headmaster has given rest and fixed the cut off date for extending the benefit as 01.03.2017. According to the full Bench judgment, benefit of G.O.Ms.No.216 have to be extended to all the Secondary Grade Teachers of High/Higher Secondary Schools on par with the Primary School Headmasters and keeping in mind various Government Orders passed by the State in this connection, in order to give quietus to the issue Court has fixed 01.03.2007 as a cut off date from which the Government should calculate and revise the pension and family pension(without arrears) based on the revised scales of pay by implementing the Government Order. The beneficiaries under this order are not entitled to the arrears of revised pay scale.

6. Taking into consideration of the fact that after implementing of the 5th pay commission the post of Headmaster in Elementary School and Secondary Grade Teacher in High School are not interchangeable, pay scale are not identical and by virtue of full Bench judgment, the contradictory judgments passed in this regard has been given a quietus and in the case in hand, the respondent does not fall within the category of persons who can have additional pecuniary advantage of parity of pay when their duty and



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responsibility are different.

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7. Hence, in view of the full Bench judgment rendered in Rev.Appln.No.227 of 2015, [Government of Tamilnadu v. G.Eswaran and others], this Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.J, J.] [R.P., J.]
07.02.2025

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

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PJL

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