



W.A(MD) No.917 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.08.2025

CORAM

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

W.A(MD) No.917 of 2020
and
C.M.P.(MD)No.4989 of 2020

1.The Director of Elementary Education,
Directorate of Elementary Education,
College Road,
Chennai.

2.The District Elementary Educational Officer,
Nagercoil,
Kanyakumari District.

... Appellants / Respondents

Vs.

P.Sathasivam Nadar

... Respondent / Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 23.02.2017 passed in W.P. (MD)No.6827 of 2008 and allowing the writ appeal.



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

For Respondent : Mr.P.Pandiarajan

JUDGMENT

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

Heard both sides.

2. The writ petitioner joined the Prison Department as junior assistant in the year 1979. He moved to the Educational Department as junior assistant on 02.01.1981. Selection grade was conferred on him in the post of junior assistant with effect from 16.03.1990. The writ petitioner was promoted as assistant on 12.01.1994. He was upgraded as Superintendent on 20.04.2001. He retired in the year 2006. Thereafter, he approached the Director of Elementary Education for counting his service as selection grade junior assistant for calculating the conferment of selection grade in the post of assistant. His request was rejected vide order dated 23.04.2008. Thereupon, he filed W.P.(MD)No.6827 of 2008.



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The learned single Judge allowed the writ petition in the following terms:-

“9. As per the Government Order in G.O.Ms.No.210, Personnel and Administrative Reforms (Per.S.), dated 11.03.1987, the services in the selection grade of the lower post shall be counted for awarding selection grade in the higher post provided, the selection grade scale of pay of the lower post and the ordinary grade scale of pay of the post of the higher post are identical.

10. When there is a specific government order directing the services in the selection grade of the lower post to be counted for awarding selection grade in the higher post, this Court finds no reason for denying such benefit to the petitioner. Moreover, it is not the case of the respondent authorities that the selection grade scale of pay of the lower post and the ordinary grade scale of pay of the post of the higher post are not identical.

11. That apart, the specific allegation of the petitioner that Thangamani, Kulasekaran and Henry, who are similarly placed, were granted such benefit, whereas the petitioner was denied such benefit. The respondents neither in the impugned order nor in the counter affidavit filed in support of the writ petition has refuted the argument advanced by the petitioner. Therefore, the plea of the petitioner that there is discrimination finds force.

12. For the foregoing reasons, the following order is passed:

i. the writ petition is allowed by setting aside the impugned order in Na.Ka.No.10050/A2/08 dated 23.04.2008 passed by the first respondent;

ii. the respondents are directed to confer the selection grade in the cadre of Assistant treating the selection grade period of Junior Assistant with all consequent and other attendant benefits to the petitioner;

iii. the respondents are directed to complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order.”

Assailing the same, the department has filed this writ appeal.



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3. G.O.Ms.No.210, P&A.R.(S) Department, dated 11.03.1987

reads as follows:-

“2. In G.O second cited orders have been issued to the effect that the services in the selection grade of the lower post shall be counted for awarding selection grade in the promoted post provided that the Selection grade scale of the lower post is identical to that of the ordinary grade of the higher post and that the concession will be allowed only at the first level promotion.”

This was subsequently clarified vide Government Letter No.32/S/96-1, dated 26.09.1997.

4. The learned Special Government Pleader confirms that the pay of selection grade junior assistant was same as that of the entry level pay of assistant during the relevant time. Therefore, the learned single Judge rightly applied the aforesaid GO in favour of the writ petitioner. Interference with the said order is not called for. The impugned direction shall be complied with by the department within a period of twelve weeks.



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5. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
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