



W.A.(MD)No.38 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2025

CORAM

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

**W.A.(MD)No.38 of 2023
and
C.M.P.(MD)No.413 of 2023**

- 1.State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai - 9.
 - 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 6.
 - 3.The District Elementary Educational Officer,
Sivagangai, Sivagangai District.
 - 4.The Assistant Elementary Educational Officer,
O/o. the Assistant Elementary Educational Officer,
S.Pudur - 630 410,
Sivagangai District.
- ... Appellants
- Vs.
- P.Chellappa
- ... Respondent



W.A.(MD)No.38 of 2023

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.5482 of 2018 dated 22.07.2022 on the file of this Court.

For Appellants : Mr. C.Venkatesh Kumar,
Spl. Government Pleader

For Respondent : Mr.S.Rajasekar

JUDGMENT

Heard both sides.

2.This intra-court appeal has been filed by the State questioning the order dated 22.07.2022 whereby the learned Single Judge allowed W.P.(MD)No.5482 of 2018 filed by the respondent herein.

3.The only question that calls for consideration is whether the writ petitioner would be entitled to selection grade in the post of B.T.Assistant and if so, from which date.



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4.It is not in dispute that the writ petitioner was appointed as Secondary Grade Teacher on 05.02.2007. He would have been entitled to selection grade in the post of Secondary Grade Teacher on completion of ten years service ie., on 04.02.2017. Fortunately, the writ petitioner was promoted to the post of B.T. Assistant on 03.11.2014 itself. The respondent could have been conferred with selection grade in the post of B.T. Assistant only upon completion of ten years in the promoted post. The service put in by him in the feeder grade cannot be reckoned for the purpose of conferring selection grade in the promoted post. It is too well settled a proposition. The learned Single Judge did not take note of this aspect. The service put in by the employee in the feeder grade can be taken into account for conferring selection grade in the promotion post, only if the scales of pay are identical. In this case, the scale of pay attached to the post of B.T.Assistant is higher than the scale of pay of secondary grade teacher. Therefore, feeder grade service cannot be taken into account for conferring selection grade in the promoted post.



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4.In this view of the matter, the order of the learned Single Judge is

set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
06.06.2025

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

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