



WP(MD). No.24575 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Orders Reserved on : 24.10.2025

Orders Pronounced on : 26.11.2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.24575 of 2025

and

W.M.P(MD).Nos.19274 and 19275 of 2025

R.Moorthirajan (Retired),

... Petitioner

Vs

1. The Director of Elementary Education,
O/o.The Director of Elementary Education,
College Road,
Chennai-6..
2. The Joint Director of Elementary Education,
O/o.The Joint Director of Elementary Education,
College Road,
Chennai-6..
3. The District Educational Officer (Elementary),
O/o.The District Elementary Education Office,
Sivakasi,
Virudhunagar District..
4. The Block Educational Officer,
O/o. the Block Educational Office,



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Rajapalayam,
Virudhunagar District..

5. The Secretary,,
Nadar Primary School,
Zamin Kollankondan,
Rajapalayam Taluk,
Virudhunagar District..

6. The Head Master,,
Nadar Primary School,
Zamin Kollankondan,
Rajapalayam Taluk,
Virudhunagar District..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the third Respondent vide his proceedings in Na.Ka.No.1023/A4/2025 dated Nil.04.2025 and the consequential impugned order passed by the 4th respondent vide his proceedings in Na.Ka.No.433/A4/2025 dated 15.05.2025 and quash the same as illegal and consequentially direct the respondent to disburse the yearly increments of the petitioner w.e.f. from the year 2001 up to the date of retirement along with its accrued interest within the period that may be stipulated by this Court.

For Petitioner : M/s.mohamed Zamil
For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader



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ORDER

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The writ petition has been filed calling for the records pertaining to the impugned order passed by the third Respondent vide his proceedings in Na.Ka.No.1023/A4/2025 dated Nil.04.2025 and the consequential impugned order passed by the fourth respondent vide his proceedings in Na.Ka.No.433/A4/2025 dated 15.05.2025 and quash the same as illegal and consequentially direct the respondents to disburse the yearly increments of the petitioner w.e.f. from the year 2001 up to the date of retirement along with its accrued interest.

2. The learned counsel for the petitioner submitted that the petitioner had been appointed as a Government Secondary Grade Teacher on 23.01.1991 at the sixth respondent school, which is an aided non minority institution. His appointment was approved with effect from the date of appointment. He was placed under suspension between 02.11.2001 and 31.01.2002 and 08.10.2002 to 08.12.2002.

3. On account of his suspension, the yearly increment was also stopped. He attained the age of superannuation on 30.11.2022 and was



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paid with all terminal benefits. However his yearly increment, selection grade, special grade and fixed increment were not benefited with. The sixth respondent had sent a proposal seeking the increment benefits and the same was approved on 21.02.2025 sanctioning the selection grade and other benefits. This petitioner was also conferred with the selection grade in the cadre of Secondary Grade Teacher from 07.02.2001 and special grade with effect from 10.02.2011. He would also entitled for bonus increment with effect from 09.02.2021 as he has completed his 30 years of service on that date. Even though, the petitioner was placed under suspension, no disciplinary proceedings have been initiated, the petitioner was never promoted during his entire tenure of service and he has also not relinquished any promotion opportunity that came in his way.

4. The petitioner has sent a representation on 11.03.2025 seeking for yearly increment from the year 2001 to till the date of retirement and consequential benefits. Upon the representation of the petitioner, a proposal was sent by the sixth respondent to the third respondent and third respondent had rejected the proposal by holding that the petitioner's



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juniors had been promoted as Head Masters and therefore it was presumed that he had relinquished his service. The petitioner was never offered promotion by the sixth respondent school for relinquishing the promotional opportunity. Therefore, the conclusion arrived at by the respondents and the order impugned herein are wholly unsustainable and therefore he seeks the indulgence of this Court.

5. The learned Additional Government Pleader would submit that on application proposal was sent it was found that the juniors to the petitioner i.e teachers who had been appointed after the appointment of the petitioner, had been given promotion from Secondary grade to BT Assistant and also the PG Assistant. When the petitioner was senior, he would have been given the opportunity for promotion and if he had not relinquished such promotional opportunity, his junior would not have been promoted. Therefore, the impugned order of rejection was passed holding that the petitioner is not entitled for any increment as claimed by him. He would submit that there is no infirmity in the order passed, which is impugned in the writ petition.



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6. I have considered the arguments advanced by the learned counsel on either side and perused the materials available on record.

7. The claim of the petitioner for yearly increments and granting a bonus increment on completion of 30 years of service had been negated by holding that the teachers who had been appointed after the petitioner, had been promoted and therefore there is a presumption that the petitioner had relinquished his promotional opportunities.

8. The said reasoning, in view of this Court, is wholly without any material. The presumption relied upon by the respondents is also contrary to the provision relating to the promotion under the Tamil Nadu Private School Act and the Rules. The promotion is not based on seniority and the same is based on merit and ability and seniority comes into play only when two or more candidates has the same merit and ability. When that be so, the reasoning attributed by the respondents in rejecting the claim of the petitioner is wholly unfounded.



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9. It is admitted that the petitioner served as a Secondary Grade Teacher right from the date of his appointment till the date of his superannuation. The period of suspension also cannot be put against him as no disciplinary proceedings were initiated by the sixth respondent school.

10. For the above said reasons, this writ petition is allowed and impugned order is set aside and as a consequence, there shall be a direction to the respondents to disburse the yearly increments of the petitioner with effect from the year 2001 up to the date of superannuation and also such other benefits. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No Costs. Consequently, the connected miscellaneous petitions are closed.

26.11.2025

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K.KUMARESH BABU,J

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ORDER
IN
WP(MD) No.24575 of 2025

Date : 26 /11/2025