



W.A.(MD).Nos.1210, 1214 and 1215 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).Nos.1210, 1214 and 1215 of 2019
and
C.M.P.(MD).Nos.10457, 10458, 10461, 10464, 10466 of 2019

W.A.(MD).No.1210 of 2019

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 9.
- 2.The Director of Elementary Education,
DPI Compound,
College Road,
Nungambakkam,
Chennai – 600 034.
- 3.The District Elementary Educational Officer,
Sivagangai,
Sivagangai District.

... Appellants/Respondents

Vs.

- 1.S.Manickam
- 2.M.Arumugam
- 3.M.Balasubramanian
- 4.C.Dhanushkodi



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5.K.Devaki

6.R.Gursamy

7.E.Jebaraj

8.P.Jothy

9.N.Marimuthu

10.R.Murugesan

11.R.Ponnalagu

12.A.Rajeswari

13.P.Sekaran

14.P.Sevugarathinam

15.S.Soman

16.M.Thirumurthy

17.S.Thiyagarajan

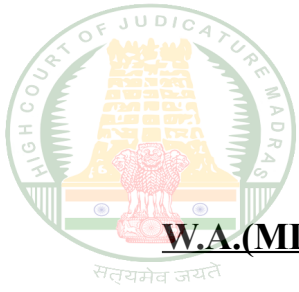
... Respondents/Petitioners

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 16.12.2011 in W.P.(MD).No.13886 of 2010.

For Appellants : Mr.J.Ashok

Additional Government Pleader

For Respondents : Dispensed with (Vide in EB) for R-1, R-2,
R-5, R-7, R-9, R-10, R-14 & R-16
No appearance for R-3, R-4, R-6,
R-8, R-15 & R-17



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W.A.(MD).No.1214 of 2019

- 1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 9.
- 2.The Director of Elementary Education,
DPI Compound,
College Road,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
R.M.S. Road,
Madurai – 625 002.
- 4.The Assistant Elementary Educational Officer,
Madurai East at Kamala Nagar,
Madurai – 625 002.

... Appellants/Respondents

Vs.

R.Nadarajan

... Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 16.12.2011 in W.P.(MD).No.12190 of 2011.

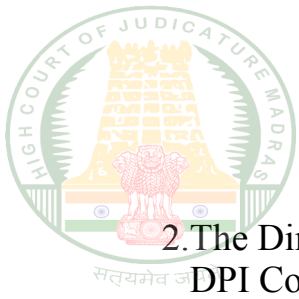
For Appellants : Mr.J.Ashok

Additional Government Pleader

For Respondent : No appearance

W.A.(MD).No.1215 of 2019

- 1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 9.



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2.The Director of Elementary Education,
DPI Compound,
College Road,
Chennai – 600 006.

3.The District Elementary Educational Officer,
R.M.S. Road,
Madurai – 625 002.

4.The Assistant Elementary Educational Officer,
Madurai East at Kamala Nagar,
Madurai – 625 002.

... Appellants/Respondents

Vs.

R.Chandran

... Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 16.12.2011 in W.P.(MD).No.12191 of 2011.

For Appellants : Mr.J.Ashok

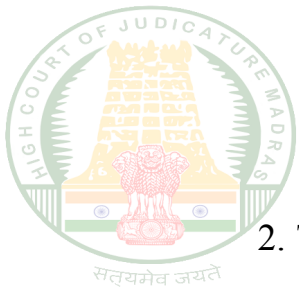
Additional Government Pleader

For Respondent : No appearance

COMMON JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

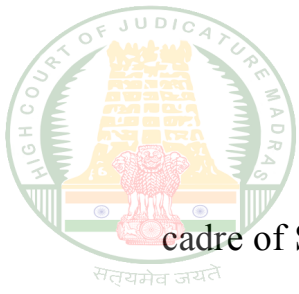
The common order dated 16.12.2011 passed in W.P.(MD).Nos.13886 of 2010, 12190 and 12191 of 2011 are under challenge in the present Writ Appeals. The State preferred the appeals.



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2. The issue raised in the present intra-court appeals are that whether the respondents are eligible to get the benefits of counting of their period of respective services in the cadre of Secondary Grade Teacher for selection grade and special grade as per G.O.Ms.No.216, School Education Department dated 30.12.2011.

3. Let us now consider the scope of G.O.Ms.No.216 dated 30.12.2011. Prior to 01.06.1988, the post of Secondary Grade Teacher and Primary School Headmaster are interchangeable and carried identical scale of pay. During implementation of the Fifth Pay Commission, with effect from 01.06.1988, higher scale of pay was fixed to the post of Primary School Headmaster. Consequently, the post of Primary School Headmaster became a promotional post. In order to rectify the anomaly, the services rendered by the Secondary Grade Teachers prior to 01.06.1988 were also calculated for the purpose of award of selection grade and special grade since the post of Secondary Grade Teacher and Primary School Headmaster carried identical scale of pay prior to 01.06.1988. However, in the present case, all the respondents had been promoted to the post of Primary School Headmaster after 01.06.1988 and therefore, counting of their earlier service would not arise at all. Since the respondents had not secured the benefit of promotion to the post of Primary School Headmaster prior to 01.06.1988, their period of service rendered in the



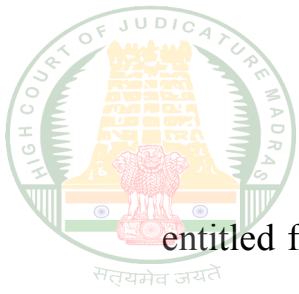
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cadre of Secondary Grade Teacher cannot be taken into consideration for award of selection grade and special grade.

4. To understand the facts, the date of appointment of the respondents, date of promotion as Headmaster and date of retirement are stated hereunder:

S. No	Name	Date of Appointment as Higher Grade	Date of Promotion as Secondary Grade Teacher	Date of Promotion as Headmaster	Date of Retirement
1	M.Balasubramanian	23.03.1972	19.11.1973	06.07.1998	31.07.2009
2	P.Jothi	22.04.1969	01.01.1971	08.07.1998	09.12.2003
3	S.Thiyagarajan	02.04.1968	07.07.1971	01.07.1997	30.06.2002
4	R.Ponnalagu	01.04.1968	08.07.1971	08.07.1997	31.10.2002
5	A.Rajeswari	19.08.1964	31.03.1970	01.10.1998	30.04.2004
6	C.Thanushkodi	01.09.1969	25.12.1970	30.06.1997	31.03.2004
7	R.Gurusamy	Nil	19.11.1973	07.08.1998	30.09.1992
8	S.Soman	06.10.1970	01.01.1971	12.06.2000	28.02.2003
9	P.Sekaran	08.12.1965	12.12.1969	30.06.1997	30.04.2000

5. The above service particulars of the respondents would show that all the respondents were promoted to the post of Primary School Headmaster after 01.06.1988 and therefore, they never faced any anomaly prior to 01.06.1988. Since their promotions are after 01.06.1988 and their pay was fixed in the higher scale of pay as per the Fifth Pay Commission Pay Rules, they are not

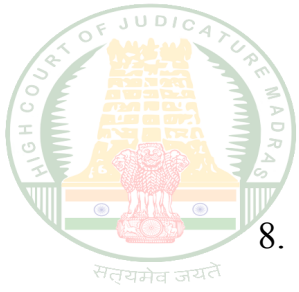


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entitled for counting of their services rendered in the post of Secondary Grade Teacher prior to 01.06.1988.

6. The Government Order issued in G.O.Ms.No.234, School Education Department dated 10.09.2009 indicates that the Government Order was issued in favour of 63 persons, who filed the Original Application before the Tamil Nadu Administrative Tribunal. It is a special Government Order issued based on the Court's order and therefore, the eligibility of each and every individual is to be considered with reference to the service records. The said Government Order cannot be extended uniformly for extending the benefit of award of selection grade and special grade by calculating the period of service rendered by the teachers in the post of Secondary Grade Teacher prior to 01.06.1988. Each case is to be scrutinized based on the service records and the eligibility with reference to the implementation of Fifth Pay Commission.

7. The learned Additional Government Pleader would submit that since all the respondents had been promoted to the post of Primary School Headmaster after 01.06.1988, they are not eligible for counting of their past services as Secondary Grade Teacher rendered prior to 01.06.1988.



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8. This Court do not find any ambiguity and more so, the Government

Order was passed in favour of an individual and while extending the benefits of such Government Order, eligibility of each teacher is to be considered and the said aspect has not been considered by the Writ Court and a common order was passed to extend the benefit of the Government Order, which would result in causing financial loss to the State exchequer and unjust gain to the teachers.

9. Accordingly, the order impugned dated 16.12.2011 passed in W.P. (MD).Nos.13886 of 2010, 12190 and 12191 of 2011 is set aside and the Writ Appeals are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (A.D.M.C.,J.)
23.06.2025

NCC : Yes / No
Index : Yes / No
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S.M.SUBRAMANIAM,J.
and
DR.A.D.MARIA CLETE,J.

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