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W.A.(MD) No.1100 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2025

CORAM:

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

**W.A.(MD) No.1100 of 2019
and
C.M.P.(MD) No.9868 of 2019**

1.The State of Tamil Nadu
rep.by its Secretary
Department of School Education
Fort St.George
Chennai-600 006

2.The Director of Elementary Education
College Road, Chennai-600 006

3.The District Elementary
Educational Officer
Sivagangai, Sivagangai District

4.The Additional Assistant Elementary
Educational Officer
Devakottai, Sivagangai District

... Appellants

-vs-

1.A.Mariya Singarayar



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2.The Correspondent
St.Joseph's Primary School
Seviliyendal
Sivagangai District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 03.12.2013, passed in W.P.(MD) No.16867 of 2013, on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondents : No appearance

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The writ appeal has been instituted challenging the writ order dated 03.12.2013, passed in W.P.(MD) No.16867 of 2013.

2. The State has preferred the present writ appeal.

3. The first respondent was appointed as a Secondary Grade Teacher in an Aided School on 04.06.1974 and promoted as Headmaster on



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16.06.1998 and thereafter, retired from service on 30.06.2006 on attaining the age of superannuation. He claimed the benefits of G.O.(Ms) No.234, School Education (G2) Department, dated 10.09.2009, which was issued after the retirement of the first respondent. Pertinently, the writ petition in W.P.(MD) No.16867 of 2013 has been instituted by the first respondent after a lapse of about seven years from the date of his retirement.

4. The Government Order in G.O.(Ms) No.234, School Education (G2) Department, dated 10.09.2009, is an order *in personam* granted to 63 teachers based on the order passed by the Tamil Nadu Administrative Tribunal. The benefit of the said Government Order was sought to be extended by filing a batch of writ petitions by various Secondary Grade Teachers working not only in the Aided Schools, but also in other Schools and the same were allowed. The order passed by this Court extending the benefits of the said Government Order caused huge loss to the State Exchequer, despite the fact that the teachers are ineligible to get the arrears of salary with retrospective effect. The correctness of the Government Order G.O.(Ms) No. 234, School Education (G2) Department, dated 10.09.2009, is doubtful and under those circumstances, the extension of the benefits of the said



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Government Order granted to the other teachers also resulted in huge monetary loss to the State Exchequer. Batch of writ appeals were also filed. Finally, the State preferred Review Application (MD) Nos.90, 91, 92, 93, 94 & 95 of 2014 and the Division Bench of this Court, by a common order dated 05.02.2024 allowed the review applications holding that the said Government order is applicable to the Panchayat School Teachers and it is not applicable to the Aided School Teachers. In view of the said ruling of the Division Bench of this Court, the present writ appeal deserves to be considered.

5. Accordingly, the writ order dated 03.12.2013, passed in W.P. (MD) No.16867 of 2013, is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[A.D.M.C., J.]

18.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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