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W.P.No.3635 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.3635 of 2026
and W.M.P.No.4041 of 2026**

S.Shanmugam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 4.The Headmaster,
T.N.A.P.Higher Secondary School,
Tiruvannamalai-606 601.
- 5.The Principal Accountant General (Tamil Nadu),
O/o.The Principal Accountant General,
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai-600018.

...Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in Na.Ka.No.1808/A3/2025 dated 28.11.2025 and to quash the same and consequently, directing the respondents to sanction selection grade/special grade scale of pay in the post of Secondary Grade Teacher in favour of the petitioner's wife, namely, I.Baby Janat (Late) with consequential retirement benefits and family pension in favour of the petitioner along with interest for delay in payment at the rate of 12% per annum, within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Jayamalan

For Respondents : Ms.Mythreye Chandru
Special Government Pleader for R1 to R4
Ms.G.Vandhini Karthik for R5

O R D E R

This Writ Petition is filed by the husband/legal heir of one I.Baby Janat, deceased. She was initially appointed as Secondary Grade Teacher in Aided Middle School and was subsequently absorbed into Government service. She served in various Panchayat Union Schools and later in High School as well as Higher Secondary School and was retired from service on 31.05.2008. She passed away on 16.10.2008.



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2. Vide G.O.Ms.No.216, Finance Department dated 22.03.1993, the

Government extended the benefit of selection grade and special grade to the Secondary Grade Teachers working in High Schools and Higher Secondary Schools on par with those who are working in Elementary Schools. Since the said benefit was not extended to the petitioner's deceased wife, who was employed in Panchayat School Union and later in High Schools and Higher Secondary Schools, the petitioner filed a writ petition in W.P.No.5097 of 2014 and the same was allowed by the Hon'ble Division Bench of this Court vide order dated 04.02.2015, directing the respondents to extend the benefit of G.O.Ms.No.216 dated 22.03.1993 to the deceased employee. The said decision was also confirmed by the Hon'ble Full Bench of this Court, vide order dated 09.12.2016, wherein, a clarification was issued by the Hon'ble Full Bench of this Court that the benefit shall be extended to the parties who were before this Court though without arrears and with effect from 01.03.2017. The Hon'ble Full Bench of this Court has specifically stated that the benefits shall be extended to the parties who were before this Court as on 09.12.2016 and not later.



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3. The claim of the petitioner is that the petitioner's wife case squarely falls under the category of beneficiaries covered by the judgments of the Hon'ble Division Bench of this Court and the Hon'ble Full Bench of this Court, as the writ petition filed on behalf of the deceased employee has been allowed prior to 09.12.2016 and therefore, the respondents ought to have implemented the order of the Hon'ble Full Bench of this Court and revised the pay, pension and family pension in terms of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993. Though the petitioner has sent a representation to the respondents citing the judgments of the Hon'ble Division Bench of this Court as well as the Hon'ble Full Bench of this Court and requested for fixation of revision pay and family pension in terms of the aforesaid Government order, the same was rejected vide impugned order dated 28.11.2025, against which, the present writ petition has been filed.

4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.



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5. It is seen that the Government, by passing G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, has ordered the benefit of selection grade and special grade to the Secondary Grade Teachers working in High Schools and Higher Secondary Schools on par with those who are working in the Elementary Schools. It is not in dispute that the petitioner's wife has already attained secondary grade and was eligible for special grade. However, the benefit was not extended to her during her service. In the meantime, she retired from service on 31.05.2008 and she also passed away immediately after retirement (i.e.,) 16.10.2008. The petitioner, who is the legal representative of the deceased employee, filed a writ petition in W.P.No.5097 of 2014, which was allowed by the Hon'ble Division Bench of this Court, vide order dated 04.02.2015, directing the respondents to extend the benefits of the aforesaid Government Order. The same was later confirmed by the Hon'ble Full Bench of this Court vide order dated 09.12.2016 with some clarifications. However, the request of the petitioner was rejected only on the ground that the benefit cannot be extended to the deceased employee as her name did not find place in the judgment of the



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Hon'ble Full Bench of this Court. The approach of the respondents is erroneous for the simple reason that the order of the Hon'ble Division Bench of this Court in W.A.No.352 of 2014 etc., dated 04.02.2015 was confirmed by the Hon'ble Full Bench of this Court vide order dated 09.12.2016, wherein, directions were issued to extend the benefit of G.O.Ms.No.216 dated 22.03.1993, more particularly, in clause (i) and clause (ii) which reads as follows:-

i) the Government is directed to implement the G.O.Ms.No.216, dated 22.03.1993 for the period between 1.6.1988 and 31.12.1995, on and from 01.03.2017 onwards in respect of all the Secondary Grade Teachers of High/Higher Secondary Schools including the Special Teachers who attained Selection grade/Special Grade during the above said period, on par with the pay scale of Primary School Headmasters;

ii) Consequently, the Government shall calculate and revise the pension of those who retired from service and revise the family pension in respect of those who expired, based on the revised scales of pay in terms of G.O.Ms.No.216, dated 22.3.1993 payable on and from 1.3.2017;



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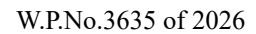
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6. From the above, it is more than clear that the petitioner's wife who had worked as Secondary Grade Teacher in High Schools and Higher Secondary Schools was eligible to be extended the benefit of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, which was erroneously rejected by the third respondent herein. Accordingly, the impugned order dated 28.11.2025 passed by the third respondent is set aside. The respondents are directed to extend the benefits in terms of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993, in favour of the petitioner.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
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Thiruvannamalai.
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