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WP No. 18452 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 18452 of 2026
and WMP Nos.19790 and 19791 of 2026**

P.Baby
W/o. K. thangavel,
Middle School Headmaster,
Panchayat Union Middle School,
Chinnasolipalayam,
Kabilarmalai Panchayat Union,
Namakkal District.

..Petitioner(s)

Vs

1. The Government Of Tamil Nadu
Represented by Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.
2. The Secretary,
Government of Tamil Nadu,
Finance Department,
Fort St. George, Chennai-9
3. The Director of Elementary Education
College Road, Chennai-6.
4. The District Educational Officer (Elementary)
Namakkal District, Namakkal.
5. The Block Educational Officer
Kabilarmalai Panchayat Union,
Kabilarmalai, Namakkal District.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the Respondents in relation to the proceedings issued in Government letter in



No.11100/Elementary Education 1(1)/2023-1 dated 15.12.2023 issued by the 1st Respondent and in Na.Ka.No.776/A1/2025 dated 20.01.2026 issued by the 5th Respondent and quash the same and issue a consequential direction to the Respondents to continue the petitioner's Selection Grade Pay Band of Rs.15600-39100+5400GP from 27.01.2009 notionally as given in the post of Primary School Headmaster with monetary benefits from 01.01.2011 by the Proceedings issued in Na.Ka.No.047/A1/2012 dated 19.11.2012 of the Assistant Elementary Educational Officer, Kabilarmalai Panchayat Union who is redesigned as 5th Respondent herein with all consequential and attendant benefits.

For Petitioner(s): Mr.R.Saseetharan

For Respondent(s): Mr.V.Sivalingam, Government Advocate

ORDER

This writ petition has been filed for the following reliefs:

“To issue a writ of Certiorarified Mandamus to call for the records of the Respondents in relation to the proceedings issued in Government letter in No.11100/Elementary Education 1(1)/2023-1 dated 15.12.2023 issued by the 1st Respondent and in Na.Ka.No.776/A1/2025 dated 20.01.2026 issued by the 5th Respondent and quash the same and issue a consequential direction to the Respondents to continue the petitioner's Selection Grade Pay Band of Rs.15600-39100+5400GP from 27.01.2009 notionally as given in the post of Primary School Headmaster with monetary benefits from 01.01.2011 by the Proceedings issued in Na.Ka.No.047/A1/2012 dated 19.11.2012 of the Assistant Elementary Educational Officer, Kabilarmalai Panchayat Union who is redesigned as 5th Respondent herein with all consequential and attendant benefits.”



2. Heard the learned counsels on both sides and perused the materials available on record.

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3. The issue involved in the present writ petition was earlier considered in a batch of writ petitions in W.P.No.12275 of 2024 dated 02.03.2026, wherein, a similar relief was claimed. The learned Judge, after hearing the arguments of both sides and discussing the relevant Rules and Government Orders in detail, had ultimately disposed of the writ petitions with directions. These directions are extracted herein below:

“85. In the result, all the writ petitions are disposed of with the following directions: ~

i) The impugned order directing the fixation of the selection grade/special grade scale of pay at the first promotional level and 2nd promotional level is set aside to the extent that there shall be no recovery of amount, which has already been paid, from the petitioners;

ii) Insofar as the petitioners, who have retired from service is concerned, no amount shall be recovered on the basis of the impugned order from the retrial benefits/pensionary benefits of the petitioners with regard to the amount already paid;

iii) Insofar as the petitioners, who are still in service, no amount shall be recovered on the basis of the impugned order from the salary of the petitioners with regard to the amount already paid;

iv) In case any amount has already been recovered from any of the petitioners towards excess payment made in the selection



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grade scale, the same shall not be refunded to the petitioners and the respondents shall re-fix the selection grade scale of pay of the said petitioners after amendment to FR 22~B and, thereafter, upon computation, if any amount is due and payable to any of petitioners, the same shall be paid by the respondents forthwith;

v) Until FR 22~B is amended so as to include the directions given in G.O.Ms. No.63305/Pay Cell/2010~1 dated 8.11.2010, more particularly para 4 (i) of the said Government Order, no action shall be taken by the respondents to re-fix the scale of pay of the petitioners and similarly placed persons;

vi) Subject to amendment, if any, that may be made to FR 22~B, with reference to G.O. Ms. No.63305/Pay Cell/2020~1 dated 8.11.2020, the respondents are at liberty to revise the salary of the persons who are in service by refixing their scales of pay in the selection grade as also the pensionary benefits of the pensioners by refixing their scales of pay in selection grade in line with the amendments that may be made to FR 22~B for computing the admissible pension payable based on para 4 (i) of G.O. Ms. No.63305/Pay Cell/2010~1 dated 8.11.2010, which shall be applicable only prospectively and not retrospectively;

vii) Pursuant to the amendment, if any, made to FR 22~B, upon refixation of the scales of pay of the petitioners, and computing the revised pay that the petitioners who are in service would be entitled to and the revised monthly pension that the retired petitioners would be entitled to, it is made clear that the petitioners would also be entitled for selection grade benefit in the post of HM~MS upon completion of 10 years of service in the said post;



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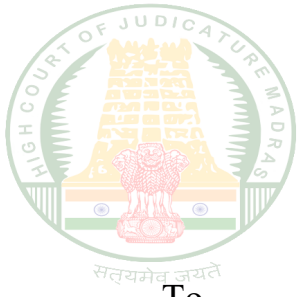
viii) *The grant of selection grade scale of pay in the post of HM~MS shall be fixed after amendment to FR 22~B and after refixing the selection grade scale of pay of the petitioners in the erstwhile post of HM~PS and monetary benefit, if any payable, shall be computed and paid to petitioners from the date when they become eligible for such selection grade scale of pay, including arrears of pay.*

ix) *The Accountant General is directed to compute the pension in the scale of pay which the petitioners were drawing on the date of their retirement, if not computed in the said scale, and pay the arrears of pension on the said higher scale to the retired petitioners, if not already paid;”*

4. Since the facts on which the earlier writ petitions were disposed of are identical, it would suffice to follow the said order. Accordingly, the present writ petition is disposed of in terms of the earlier order passed in W.P. No. 12275 of 2024, etc., batch dated 02.03.2026. No costs. Consequently, connected miscellaneous petitions are closed.

05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssa



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P.T.ASHA, J.
ssa

To

1.The Secretary to Government,
The Government Of Tamil Nadu
School Education Department,
Fort St. George, Chennai-9.

2.The Secretary,
Government of Tamil Nadu,
Finance Department,
Fort St. George, Chennai-9

3.The Director of Elementary Education
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