



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

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

WP No. 21072 of 2026

and

WMP Nos.22796, 22799 of 2026

T. Malar

W/o. Chandra Sekaran

..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. by its Secretary to Government,
School Education Department,
Fort. St.George, Chennai- 600 009.
2. The Financial Advisor and Principal Accounts Officer,
School Education Department,
College Road, Chennai 600 006.
3. The Director of Elementary Education,
O/o.The Director of Elementary Education,
College Road, Chennai- 600 006.
4. The District Educational Officer (Secondary)
O/o.The District Educational Office,
Dharmapuri, Dharmapuri District.
5. The Chief Educational Officer,
O/o. The Chief Educational Office,
Dharmapuri, Dharmapuri District.
6. The Headmaster,
Government Higher Secondary School,
Krishnapuram, Dharmapuri District

..Respondent(s)



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This writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the 2nd Respondent vide Ref.Oo.Mu.No.053130/AaKaTha/2023 dt 03.10.2024 and of the 4th respondent vide proceedings having Ref. Na.Ka.No.Oo. Mu. No.856/Aa1/ 2026 dt 10.03.2026 issued in pursuant tot he first respondent's proceedings having Reference letter No.11100/Ele.Edn1(1)2023-1 dated 15.12.2023 ordering refixation of petitioner's pay scale in selection grade pay from PB 15600 - 39100 + 5400 grade pay granted to the petitioner from 01.01.2006 to the pay scale of PB 9300- 34800 + 4700 grade pay and ordering recovery of the excess amount paid to petitioner from 01.01.2006 and to quash the same as arbitrary and consequently direct the respondents to continue to pay the grade pay of Rs.5400/- to Petitioner sanctioned in the pay band of PB 15600 -39100 + 5400 with notional effect from 01.01.2006 .

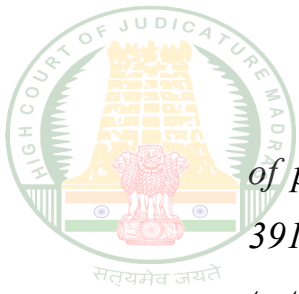
For Petitioner(s): Mr. K.Chandra

For Respondent(s): Mr. A.R.Balaji,
Gov. Advocate

ORDER

The writ petition has been filed for the following relief :

“to call for the records of the 2nd Respondent vide Ref.Oo.Mu.No.053130/AaKaTha/2023 dt 03.10.2024 and of the 4th respondent vide proceedings having Ref. Na.Ka.No.Oo. Mu. No.856/ Aa1/ 2026 dt 10.03.2026 issued in pursuant tot he first respondent's proceedings having Reference letter No.11100/Ele.Edn1(1)2023-1 dated 15.12.2023 ordering refixation



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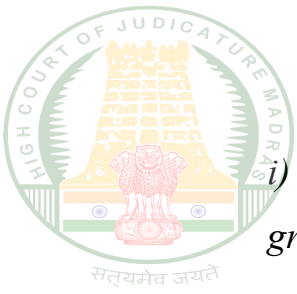


of petitioner's pay scale in selection grade pay from PB 15600 - 39100 + 5400 grade pay granted to the petitioner from 01.01.2006 to the pay scale of PB 9300- 34800 + 4700 grade pay and ordering recovery of the excess amount paid to petitioner from 01.01.2006 and to quash the same as arbitrary and consequently direct the respondents to continue to pay the grade pay of Rs.5400/- to Petitioner sanctioned in the pay band of PB 15600 -39100 + 5400 with notional effect from 01.01.2006 ”

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

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:-



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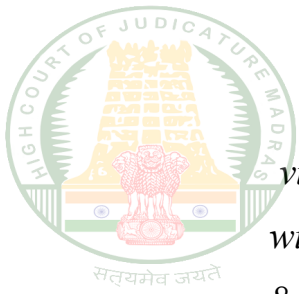
i) *The impugned order directing the fixation of the selection grade/special grade scale of pay at the first promotional level and 2nd promotional level is set aside to the extent that there shall be no recovery of amount, which has already been paid, from the petitioners ;*

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 retiral 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 grade scale, the same shall be not refunded to the petitioners and the respondents shall refix 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 refix the scale of pay of the petitioners and similarly placed persons;*

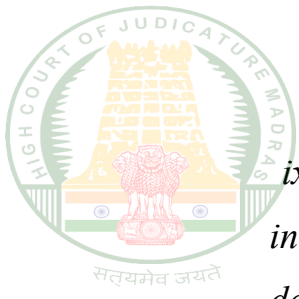


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vi) *Subject to amendment, if any, that may be made to FR 22~B, with reference to G.O. Ms. No.63305/Pay Cell/2020~1 dated 8.11.2020, the respondents are at liberty to revise the salary of the persons who are in service by refixing their scales of pay 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;*

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.*



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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 were disposed of, it will suffice if the directions in the above order is followed. 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.

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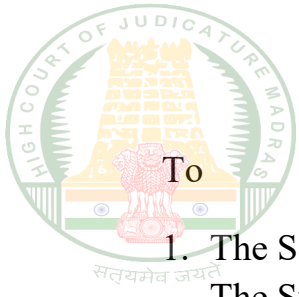
Index: Yes/No

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Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP



To

1. The Secretary to Government,
The State Of Tamil Nadu
School Education Department,
Fort. St.George, Chennai- 600 009.
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P.T.ASHA, J.

MRP

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