



W.A.(MD)No.1717 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.1717 of 2021

and

C.M.P(MD)No.7321 of 2021

1.The State represented by
The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai.

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

3.The District Educational Officer,
Dindigul District,
Dindigul.
(Now redesignated as)
The Chief Educational Officer,
Dindigul District,
Dindigul.

... Appellants /
Respondents

Vs.

P.Pemmulu

... Respondent /
Writ Petitioner



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 04.10.2019 in W.P(MD)No.2490 of 2014 and allow the Writ Appeal.

For Appellants : Mr.T.Ajmal Khan
Government Advocate

For Respondent : Ms.S.Devasena

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The Government has filed this writ appeal questioning the order dated 04.10.2019 passed by the learned single Judge allowing W.P(MD)No.2490 of 2014 filed by the respondent Thiru.P.Pemmulu.

2.Thiru.P.Pemmulu joined the Education Department as Secondary Grade Teacher on 03.08.1964. He became Elementary School Headmaster in the year 1977. He was promoted as Middle School Headmaster on 08.02.1982. He retired from service on 30.06.2002 as Elementary Education Officer. Thiru.P.Pemmulu represented to the Department that persons similarly placed like him had been granted Special Grade even though they had not put in 20 years of service in the post of Middle School Headmaster. He relied on G.O(Ms)No.210



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Education Department dated 14.08.2009. His request was rejected by the Department vide order dated 21.06.2011. Challenging the same, Thiru.P.Pemmulu filed W.P(MD)No.2490 of 2014. The learned single Judge quashed the order impugned in the writ petition and allowed the writ petition as prayed for in the following terms:

“4.The original applications filed before the Tamil Nadu Administrative Tribunal by several persons who have similar grievance were allowed and based on the orders of State Administrative Tribunal, it is stated that Government have implemented the order in individual cases by G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009 in respect of several individuals who had served as Middle School Headmaster (B.Ed.,Grade) as on 01.06.1988. The petitioners filed the Writ Petition stating that he is also entitled to similar benefit extended by G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009. Earlier, the petitioners filed a Writ Petitions in W.P. (MD)No.9419 of 2010 and W.P.(MD)No.9418 of 2010 and this Court directed the respondents to consider the representation of the petitioners and to pass orders on merits. Thereafter, several representations have been made by the petitioners with copies of the similar orders passed by the Government in respect of similarly placed persons. It is stated that the petitioners earlier filed a



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Writ Petition in W.P.(MD)No.9446 of 2011 and W.P. (MD)No.9444 of 2011 for issuing Writ of Mandamus to direct the respondents to extend the benefits of the order dated 21.04.2008 by the Hon'ble Division Bench of this Court in Writ Appeal (MD)No.233 of 2008 which was implemented by the Government in G.O.Ms.No.230, Education Department, dated 10.08.2010. However, the representation of the petitioners were rejected in the meanwhile by the order impugned in the Writ Petition. Hence, in the Writ Petitions filed by the petitioners earlier in W.P.No.9446 of 2011 and in W.P.(MD)No. 9444 of 2011, were closed. However, the petitioners in the respective Writ Petitions were permitted to challenge the order of the District Educational Officer.

5.In the impugned orders, dated 21.06.2011 and 16.06.2011, issued by the District Educational Officer, it is stated that the earlier orders of Government are only in respect of the Teachers who have preferred Writ Petitions before this Court earlier and that the same cannot be applied to the petitioners. Reading of Government Order vide G.O.Ms.No.230, dated 10.08.2010, it is stated that the Teachers are entitled to get their salary revised as per the Fifth Pay Commission considering the Selection Grade and Special Grade in the post of Headmaster of the Middle School. Though it is stated in the Government Order that the order is restricted to those persons who have got specific orders



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of the Court, the petitioners seek the benefit of order passed by Court in the case of similarly placed persons. Hence, the rejection of the petitioners' request for the reason that the petitioners have not approached the Court may not be proper. The reading of G.O.Ms.No. 210, School Education (G1) Department, dated 14.08.2009, would reveal that based on the decision of the Tamil Nadu State Administrative Tribunal, the request of the similarly placed persons were conceded based on the orders of the Tribunal or persons who have approached the Court. Similar benefit was extended to others based on individual orders obtained by Teachers either in the Writ Petition or by filing a petition before the Administrative Tribunal. The petitioners who are also similarly placed are entitled to the relief. However, the petitioners admit that they retired from service on 30.06.2002 and 31.05.1999 respectively. Though there is a long delay in filing the petition, considering the fact that in similar circumstances, a Full Bench of this Court extended the benefit of Government Order in the individual cases to hundreds of persons those who approached this Court by filing writ petitions after their retirement, this Court is inclined to allow these Writ Petitions. A Division Bench of this Court in a batch of cases, by order dated 03.01.2019, held that the Writ Petitions are entitled to the benefit of earlier order of Government in similar



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cases particularly by referring to G.O.Ms.No. 210, School Education (G1) Department, dated 14.08.2009. Accordingly, these Writ Petitions are allowed. The petitioners are entitled to the benefit of order passed by this Court which was implemented by the respondents in terms of the Government Order in G.O.Ms.No.210, School Education (G.1) Department, dated 14.08.2009 and G.O.Ms.No.190, School Education Department, dated 12.07.2010.

6.As a result, the impugned orders are set aside and the Writ Petitions are allowed. The respondents are directed to extend the benefit of order of the Government in respect of similarly placed persons in G.O.Ms.No.210, School Education (G.1) Department, dated 14.08.2009 and G.O.Ms.No.190, School Education Department, dated 12.07.2010 within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.”

Aggrieved by the same, this writ appeal has been filed.

3.Thiru.P.Pemmulu is present in person and he is also duly represented by his counsel Ms.Devasena. After hearing the learned counsel on either side, we are clearly of the view that the order impugned in the writ petition ought to have been sustained. This is for more than



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one reason. It is true that the post of Secondary Grade Teacher and the post of Elementary School Headmaster carried the same scale of pay.

Therefore, while calculating selection grade or special grade for the post of Elementary School Headmaster, the service put in by him as Secondary Grade Teacher should also be taken into account. It appears that the writ petitioner was not granted selection grade in the post of Elementary School Headmaster.

4.Admittedly, the writ petitioner became a Middle School Headmaster on 08.02.1982. The post of Middle School Headmaster was a promotional post and carried higher scale of pay. Therefore, by no stretch of imagination, the service put in by a Middle School Headmaster as Secondary Grade Teacher or Elementary School Headmaster could have been taken into account for the purpose of conferring selection grade or special grade. We are therefore clearly of the view that the question of extending the benefit of G.O(Ms)No.210 Education Department dated 14.08.2009 to the writ petitioner does not arise at all.

5.Thiru.P.Pemmulu who is present in person lamented that hundreds of similarly placed persons were granted benefit by virtue of



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Court's order. We clarified to him that we are not obliged to follow an erroneous order earlier passed even in similarly placed cases. The principle of equality cannot be applied to perpetuate an illegality. In this view of the matter, we sustain the order impugned in the writ petition and we set aside the order of the learned single Judge.

6. But the issue cannot rest there. Admittedly, Thiru.P.Pemmulu was promoted as Middle School Headmaster after he had served the department for more than 18 years. He ought to have been granted selection grade before he was promoted. This issue will be revisited by the department and his pension will be accordingly refixed. If any benefit has already been conferred in favour of Thiru.P.Pemmulu, the question of recovery does not arise at all. Whatever benefit was already granted, even if erroneously, shall be allowed to be retained by Thiru.P.Pemmulu. His pension shall be refixed in the light of the order now passed. Since Thiru.P.Pemmulu joined the department in the year 1964, selection grade should have been conferred in the year 1974. An appropriate order correctly refixing the writ petitioner's pension shall be passed within a period of ten weeks from the date of receipt of a copy of this order.



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7.This Writ Appeal is disposed of accordingly. No costs.

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Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.K.M, J.]
27.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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