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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2026

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)No.376 of 2026
and
CMP.(MD)No.3443 of 2026

1.The State of Tamil Nadu
Represented by its secretary
Department of school Education
Fort st George
Chennai - 600 009

2.THE DIRECTOR OF ELEMENTARY EDUCATION
College Road
Chennai - 600 006

3.THE CHIEF EDUCATIONAL OFFICER
Virudhunagar district at virudhunagar

4.THE DISTRICT EDUCATIONAL OFFICER
Virudhunagar
Virudhunagar district

5.THE BLOCK EDUCATIONAL OFFICER III
Virudhunagar
Virudhunagar district

... Appellants



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Vs.

P.Ramakrishnan

... Respondent

PRAYER:- Writ Appeal filed under Clause 15 of the Letters Patent as against the order passed by this Court in WP.(MD)No.11686 of 2022 dated 25.09.2025.

For Appellants : Mr.J.Ashok,
Additional Government Pleader

For Respondent : Mr.s.Xavier Rajini

JUDGMENT

(Judgment of the Court was made by **M.JOTHIRAMAN, J.**)

Under assail is the order passed in WP.(MD)No.11686 of 2022 dated 25.09.2025.

2.The respondent/writ petitioner has filed the above writ petition challenging the order passed by the second appellant / Director of Elementary Education dated 25.04.2022 rejecting the writ petitioner's request to place him in the scale of pay of Rs.6500-200-10500 ie., Headmaster (Selection Grade) as on



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25.11.2002 and reckon the same into all retirement benefits on par with the similarly placed persons. The Writ Court held that though the writ petitioner approached this Court belatedly, being a pensioner, the claim made by him on account of the non grant of Selection Grade in the Primary School Headmaster cadre only for the purpose of the petitioner getting the future pensionary benefits and also concluded that no fault on the part of the writ petitioner. The Writ Court quashed the impugned order dated 25.04.2022 and directed to award Selection Grade to the writ petitioner in the Primary School Headmaster cadre as on 25.11.2002. It is also held that the writ petitioner is not entitled to receive any monetary benefits and he shall be entitled only for the further monetary benefits. Aggrieved over the same, the respondents/State has preferred the present writ appeal.

3.It is the case of the writ petitioner that he joined as Secondary Grade Teacher on 27.09.1982. He was promoted as Headmaster on 26.11.1992. In view of the closure of Primary



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School on 18.01.2000, he was absorbed as Secondary Grade Teacher on 19.01.2000. There are vacancies of Headmaster post available in the Virudhunagar District. Though he made a request to accommodate him as Headmaster, no orders were passed. While so, he attained superannuation on 31.05.2012. He is eligible to get Selection Grade in the post of Headmaster on 25.11.2002, on completion of 10 years of service and accordingly, his scale of pay ought to have been fixed as Rs.6500-200-10500. The State Government clarified the pay anomaly for similarly placed persons directing to fix in the scale of pay of Primary School Headmaster vide G.O.(Ms)No.372, dated 19.03.1987, G.O.(4D)No. 23, dated 25.11.2011 and G.O.(4D)No.10, dated 09.03.2012. He made a representation to the appellants herein for awarding Selection Grade for the post Headmaster. The second appellant declined to place him in the cadre of Headmaster ie., Selection Grade as on 25.11.2002.



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4.The appellants/respondents have filed their counter affidavit by reiterating the contents of the impugned order and also rejected the writ petitioner's claim that he is not eligible to award Selection Grade as Primary School Headmaster, as he is not completed 10 years of service wherein he worked as Primary School Headmaster.

5.The learned Additional Government Pleader appearing for the appellants would submit that the writ petitioner was reverted as Secondary Grade Teacher by an order dated 10.01.2000 and he was readily accepted the said order and joined as Secondary Grade Teacher. He cannot taken 'U' turn and claim as Primary School Headmaster for the period he worked as Secondary Grade Teacher. The Writ Court ought to have seen that orders in G.O.10(4D), School Education Department dated 09.03.2012 was on a different footing and the same was issued on behalf of specific incumbents, who faced reversion on account of upgrading the existing Middle Schools. The respondent having



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retired from service in the year 2012 itself, cannot seek any benefits of awarding Selection Grade as on 25.11.2002, since, the respondents submitted only on 21.08.2020. Hence, claim is barred by the delay and latches.

6.Per contra, the learned counsel appearing for the respondent would submit that non awarding of Selection Grade in the Primary School Headmaster cadre is against the Rules. There is no fault on the side of the respondent and claiming service benefits is a continuous one and the same cannot be defeated only on the ground of delay and latches.

7.We have considered the submissions made on either side and perused the records carefully.

8.It is seen from the records that the respondent was joined as Secondary Grade Teacher in Radhakrishnan Primary School, Rajapatti, Tuticorin District on 27.09.1982. Subsequently,



he was promoted as Headmaster and accommodated in K.K.S. Primary School, Nallamanayakanpatti, Virudhunagar District, on 26.11.1992. The said Primary School was closed down and he was absorbed as Secondary Grade Teacher in Thiagarajapuram Nadar Primary School, Virudhunagr District, on 19.01.2000. Again was was transferred to Kannappar Hindu Primary School, Valayapatti, Virudhunagar District, on 26.07.2000. While so, he attained superannuation, on 31.05.2012.

9. According to the respondent, while he was relieved from K.K.S. Primary School as Headmaster, his scale of pay was Rs.5300-150-8300 and he was eligible to get Selection Grade in the post of Headmaster on 25.11.2002. However, the respondent was not awarded the Selection Grade. Further, it is seen from the records that before the learned Writ Court, the learned counsel for the respondent, on instructions, submitted that the respondent was willing to forego all the past monetary benefits and also to forego the past additional pension amounts, which became



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payable on account of granting Selection Grade. The said undertaking given by the respondent was recorded by the Writ Court.

10. According to the respondent, as per G.O.(Ms)No.10 (4D), School Education (D-2) Department, dated 09.03.2012, he is eligible for grant of Selection Grade in the cadre of Primary School Headmaster. The said Government Order was upheld by the Hon'ble Division Bench of this Court in WA.No.2444 of 2018 dated 23.11.2018 in Principal Secretary to Government, the Government of Tamil Nadu and Others Vs. T.Thangasamy, wherein, it has been held that similarly aggrieved persons by the non grant of Selection Grade on account of the sudden up-gradation of the school and also held that equally placed persons should be treated alike without any discrimination.

11. It is to be noted that in G.O.(Ms.)No.68, Personnel & Administrative Reforms (PER-M) Department dated 23.01.1986,



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certain guidelines for moving the Government employees to Selection/Special Grades, wherein, it has been stated that for advancement to Selection Grade/Special Grades, all employees, who have put in 10/20 years of satisfactory service and who satisfy all the qualifications prescribed under the Special Rules/Adhoc Rules prescribed for promotion to the higher post shall be eligible. It is seen that, the respondent was working as Headmaster in a Primary School from 26.11.1992 to 19.01.2000. Due to fall sudden in student strength, K.K.S.Primary School, Virudhunagar District was closed down and the respondent was absorbed as Secondary Grade Teacher, on 19.01.2000. As per G.O. (Ms)No.68, dated 23.01.1986, the respondent satisfied all the qualifications prescribed under the Rule for promotion to the higher post and also completed service of 10 years.

12.The respondent retired from service in the year 2012. However, he made representation in the year 2020 seeking Selection Grade benefits. At this juncture, it is relevant to refer to



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the decision of the Hon'ble Supreme Court in Union of India v. Tarsem Singh [(2008) 8 SCC 648], wherein it has been held that a belated service related claim will be rejected on the ground of delay and laches, however, one of the exception is relating to continuous wrong. The relevant portion of the judgment is extracted herein:-

“7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of



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third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition."

13.By Keeping in mind the above proposition of law in the instant case on hand, there is no fault on the part of the respondent. Since the closure of the School alone he was absorbed as Secondary Grade Teacher. We are of the view that acceptance of an alternative post under such circumstance cannot be construed as voluntarily waiving the legal entitlement with regard to the service benefits. More over, the learned Writ Court held that the



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respondent shall not be entitled to receive any monetary benefits or any revision of his pension on account of the award of Selection Grade in the cadre of Primary School Headmaster and only entitled for further monetary benefits alone. Therefore, we are of the view there is no infirmity in the order passed by the Writ Court. There is no merit in this writ appeal and the same deserves to be dismissed.

14. In the result, this writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
17.03.2026

Index : Yes/No
Internet : Yes
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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