

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

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

WP No. 25700 of 2025

AND

WMP Nos.28864 & 28866 of 2025

M.Auxilia Mary Rosary

..Petitioner

Vs

1. The Secretary
Government of Tamil Nadu
School Education Department
Secretariat, Chennai – 600 009.
- 2.The Director of Elementary Education
O/o.The Director of Elementary Education
DPI Compound, College Road
Chennai – 600 006.
- 3.The District Elementary Educational Officer
O/o.The District Elementary Educational Office
Villupuram, Villupuram District.
- 4.The Block Educational Officer
O/o. The Block Educational Office
Thiruchitrambalam
Vanur Taluk, Villupuram District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records connected with the impugned order passed by the 4th respondent in Na.Ka.No.4728/A2/2025 dated 05.05.2025 and quash the same as illegal



and direct the respondents to pay the salary and other benefits as per the old scale of pay and pass orders.

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For Petitioner : Mr.L.Chandrakumar
for Mr.V.S.Jagadeesan

For Respondent(s): Ms.Mythrae Chandru,
Special Government Pleader for R1 to R4

ORDER

This writ petition has been filed for the following relief:

“To call for the records connected with the impugned order passed by the 4th respondent in Na.Ka.No.4728/A2/2025 dated 05.05.2025 and quash the same as illegal and direct the respondents to pay the salary and other benefits as per the old scale of pay.”

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:

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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 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 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;



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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;*

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*



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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 was disposed it will suffice if the directions in the above order is followed and 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.

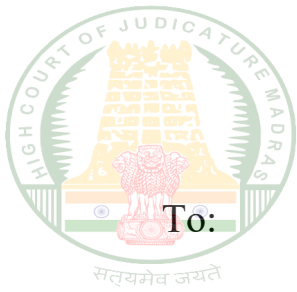
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

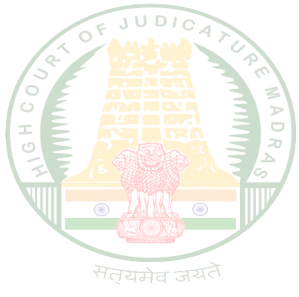
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P.T.ASHA J.

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