



WEB COPY

WP No. 30854 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

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

WP No. 30854 of 2026

A.Esther Premavathi,
Girl's Christian Higher Secondary School,
Mellpattampakkam,
Cuddalore.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary,
Education Department,
Government of Tamil Nadu,
Chennai - 600 006.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Cuddalore,
Cuddalore District.
4. The District Educational Officer,
Manjakkupam,
Cuddalore.
5. The Principal Accountant General (A and E)
361, Anna Salai,
Teynampet, Chennai - 600 018.
6. The Correspondent,
Girl's Christian Higher Secondary School,
Mellpattampakkam,
Cuddalore.

..Respondent(s)



Prayer: This writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to count the petitioner's service from 09.06.1997 in the post of Secondary Grade Teacher and to commute the pension accordingly and in the light of the judgment passed in W.A.No.795 of 2021 dated 14.02.2024 by considering the representation submitted by the petitioner dated 03.02.2025 with all consequential and other benefits, including payment of arrears in Pension.

For Petitioner(s): Mr.S.Nedunchezhiyan
for Mr.S.Sarath Chandran

For Respondent(s): Mr.S.Srinivasan,
Additional Government Pleader for R1 to R4

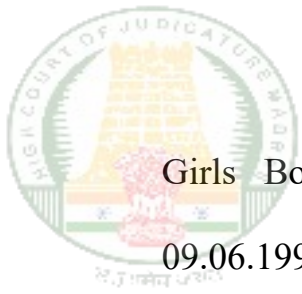
Mr.Arjun Suresh,
Standing counsel for R5

ORDER

This writ petition is filed for the following relief :

“directing the respondents to count the petitioner's service from 09.06.1997 in the post of Secondary Grade Teacher and to commute the pension accordingly and in the light of the judgment passed in W.A.No.795 of 2021 dated 14.02.2024 by considering the representation submitted by the petitioner dated 03.02.2025 with all consequential and other benefits, including payment of arrears in Pension.”

2. The petitioner was appointed as Secondary Grade Teacher at D.M.



Girls Boarding High School, Siloam, Thirukovilur and joined duty on 09.06.1997. She was promoted as B.T.Assistant (Science) from 22.06.2011 and granted with Selection Grade from 22.06.2021. Meanwhile, on 11.07.1995, the first respondent issued G.O.Ms.No.559, Education Department stating that graduate teachers cannot be appointed as Secondary Grade Teachers. This G.O. was subject matter of challenge in a batch of writ petitions and ultimately by order dated 29.06.2001 in W.A.No.991 of 1999 etc. batch, the interest of teachers appointed between 11.07.1995 and 19.05.1998 was protected. Thereafter, by G.O.Ms.No.155, School Education Department dated 03.10.2002, Graduate Teachers appointed as Secondary Grade Teachers were directed to undergo child psychology training for a month.

2.1. After successful completion of the same, the State Government had directed to approve their appointment. The petitioner has successfully undergone the said training from 02.05.2003 to 31.05.2003. However her service has been approved with effect from 01.06.2003 instead of 09.06.1997. The petitioner had submitted a representation to this effect, which was, however, rejected by the fourth respondent by proceedings dated 09.12.2016. The petitioner had challenged this order by filing W.P.No.5036 of 2017 and this Court had disposed of the same by directing the petitioner to give a proper representation. The petitioner would submit that in the meanwhile, similarly placed persons had obtained favourable orders in W.A.No.795 of 2021 and



W.A.(MD) No.231 of 2006 and she is therefore, entitled to parity. Hence, the writ petition.

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3. The learned counsel for the petitioner had relied upon the judgment passed by the Division Bench in a case involving similar facts in ***The State of Tamil Nadu, Rep. By its Secretary, Education Department Vs. J.Wesley Prabhu and 1 other (W.A.No.795 of 2021 decided on 14.02.2024)***, allowing the writ appeal confirming the order dated 03.02.2020 passed in W.P.No.2426 of 2020. The relevant portion of the said decision is extracted hereunder:

“4. The relevant portion of the order of the learned Judge, which is impugned herein reads thus:

5. The issue that has been raised in this writ petition was considered by this Court in W.P.No.2426 of 2020 and an order was passed on 03.02.2020. The relevant portions in the order are extracted hereunder:

7. The issue that has been raised in the present writ petition is squarely covered by the earlier judgment of this Court in WA(MD).No.231 of 2006 dated 17.08.2006 and W.A.No.956 of 2018 dated 04.07.2018. The relevant portions of the judgment in W.A.No.956 of 2018 are extracted hereunder:

“4. In such a backdrop, the learned Single Judge having observed in para 23 of the order as under:

“... Though the said order was



passed by the Division Bench of this Court as early as on 29.06.2001, and during that period the petitioner also had been working at the fourth respondent school and a number of persons similarly placed like that of the petitioner had been sent for such training, the petitioner had not been sent for child psychology training for the reasons best known to the official respondents.”

5. It is further observed by the learned Single Judge in para 29 of the order thus:

“This Court finds force with the said submission made by the learned counsel for the petitioner as in this case also the petitioner had been appointed in the year 1998 since then had been continuously working in the fourth respondent school that too in a sanctioned vacancy and after great struggle the petitioner also had completed the child psychology training, hence, she would be entitled to get the approval of her appointment from the date of her original appointment i.e., from 15.4.1998.”

6. For the delay on the part of the appellants in sending the first respondent herein for the child psychology training as directed in the judgment of the Division Bench, the first respondent need not be made to suffer. In such view of the matter we do not find any reason to interfere with the order passed by the



learned Single Judge. The appellants are directed to comply with the order passed by the learned single Judge, by approving the appointment of the first respondent herein from 15.04.1998 will all service benefits.”

8. It is also seen from the records that appointment of similarly placed persons who had approached this Court has been approved from the date of appointment.

9. In the present case, the petitioner had joined the fifth respondent School as a Secondary Grade Teacher on 13.11.1998. The delay in sending the petitioner for Child Psychology Training cannot be put against the petitioner since he was not responsible for the delay. Therefore, as held by the Division Bench, the appointment of the petitioner will have to be approved with effect from 13.11.1998 onwards.

6. In view of the above order, the petitioner is also entitled for relief claimed by him. The 3rd respondent has already forwarded the recommendation to the 1st respondent and the 1st respondent is directed to pass orders in line with the earlier orders passed by this Court and grant regularization of services to the petitioner with effect from 01.08.1997. The order shall be passed within a period of six weeks from the date of receipt of copy of this order. The petitioner is



directed to make a fresh representation to the 1st respondent along with a copy of this order. “

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4. The aforesaid decision in ***W.A.No.795 of 2021***, *supra*, applies on all fours to the case in hand and therefore, this writ petition is disposed of on the same lines. No costs.

06-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Principal Secretary,
Education Department,
Government of Tamil Nadu,
Chennai - 600 006.
2. The Director of School Education,
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