

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.06.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.14619 of 2011**

WEB COPY

A.Jebanezer Tamil Pandit, B.Lt., M.A.B.Ed,
Secondary Grade Teacher, (Spl.Grade) (Retd.)
St.Joseph Hr.Sec.School,
Mulagumoodu,
Kanyakumari District,
Residing at "Hebron"
10/61, Eden Garden,
Pammam, Marthandam
Kanyakumari District.

... Petitioner

Vs.

- 1.The Principal Secretary & Commissioner,
Department of School Education,
Fort St.George,
Chennai.
- 2.The Director of School Education,
E.V.K.Sampath Maligai,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Thuckalay,
Kanyakumari District.
- 5.The Secretary & Correspondent,
St. Joseph Hr.Sec.School,
Mulagumoodu,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents grant pay and service benefits and revision of the petitioner's terminal benefits like pension, commutation, gratuity and salary



for leave periods and any other attendant benefits to the petitioner on the basis of the G.O.(1D) No.125 dated 13.04.2010 by considering the representation of the petitioner to the authorities particularly respondents 1 and 2 dated 26.11.2011.

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For Petitioner : Mr.R.Subramanian
For R1 to R4 : Mrs.S.Srimathi
Special Government Pleader
For R5 : No appearance

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to grant pay and service benefits and revision of the petitioner's terminal benefits including pension, commutation, gratuity and salary for the leave periods.

2.The writ petitioner was appointed as Tamil Pandit in St.Joseph's Higher Secondary School, Mulagumoodu, Kanyakumari District, on 15.09.1984. The petitioner was fully qualified for such appointment. However, it is submitted that the appointment of the writ petitioner was not approved by the Competent Educational Authority of the Educational Department. The writ petitioner continued as a management staff and the Department has never granted approval of appointment at any point of time. This apart, the financial grant was also not sanctioned to the School. Under these circumstances, the present writ petition filed seeking settlement of salary and other pensionary benefits cannot be entertained. The grant in aid by the Government can be granted in respect of a Teacher only if the appointment of the Teacher is approved by the Competent Educational Authority and not otherwise.

3.In the present case on hand, admittedly, the appointment of the writ petitioner was not approved by the Competent Educational Authority and therefore, the petitioner is not eligible for the pension and other benefits, as applicable to the Government employee.

4.With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Principal Secretary & Commissioner,
Department of School Education,
Fort St.George,
Chennai.

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3.The Chief Educational Officer,
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Kanyakumari District.

4.The District Educational Officer,
Thuckalay,
Kanyakumari District.

+1cc to M/S., SPECIAL GOVERNMENT PLEADER, Sr.No. 69280

+1cc to M/S.R.SUBRAMANIAN ,Advocate,Sr.No.68975

W.P. (MD) No.14619 of 2011
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BUC(11.07.2019) 3P 7C