



W.P.No.25188 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.P.No.25188 of 2014

V.Selvaraj

.... Petitioner

VS

1. The Secretary to Government,
School Education Department,
Fort St.George,
Chennai 09.

2.The Director of Elementary Education,
College Road,Chennai 06.

.... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the Respondents to count the period of services rendered by the petitioner as untrained teacher for pension purpose and accordingly revise the pension of the petitioner and pay the arrears and other consequential benefits within a stipulated period.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader



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ORDER

This Writ Petition has been filed to direct the respondents to count the period of services rendered by the petitioner as untrained teacher for pension purpose and accordingly, revise the pension of the petitioner and pay arrears and other consequential benefits within a stipulated period.

2. The case of the petitioner is that the petitioner was working as Middle School Head Master at Panchayat Union Middle School, Akkaraipettai, Nagapattinam District and retired from service on 30.06.1988 on attaining the age of superannuation. Since there was shortage of trained teachers in the later 1950's, the Government appointed those who have completed SSLC but not undergone Teacher Training Course as untrained teachers to take classes upto 2nd standard in the Elementary Schools.

(ii). Accordingly, the petitioner was appointed as untrained teacher with effect from 27.12.1954 at Zilla Board(Planning Commission) School at Koilpathu(South), Thiruthuraipoondi Taluk. The said School subsequently became Thiruthuraipoondi Panchayat Union Elementary School, Koilpathu(South). However, the petitioner continued as untrained teacher



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till 11.07.1956. There was no irregularity or illegality in his appointment and the petitioner was fully qualified to hold the said post. Meanwhile, he was directed to undergo Orientation Training at Kurukathi and accordingly, he underwent Orientation Training from 25.04.1955 to 22.05.1955. Thereafter, he was deputed to the Teacher Training School from 24.08.1957 to 26.03.1959 at Vedaranyam and he had successfully completed his Teacher training course.

(iii). After successful completion of Teacher Training Course, he was posted as Trained Teacher at District Board Elementary School, Kovilpathu and thereafter to Panchayat Union middle school, Akkaraipettai. The petitioner worked as trained teacher from 27.03.1959 to 30.06.1988.

3. According to the learned counsel for the petitioner, while calculating the qualifying service for pension purposes, the respondent did not include the period of service rendered by the petitioner as untrained teacher as qualifying service. He further averred that the similarly placed person as that of the petitioner was granted with pension for the untrained period of service vide G.O.Ms.No.43 School Education Department dated



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02.03.1998 and to 18 teachers in G.O.Ms.No.35 School Education (N1(1)) Department dated 02.03.2001 and to 42 teachers in G.O.Ms.No.1 School Education (S2) Department dated 02.01.2009. While so, the same benefit cannot be denied to the other similarly placed Headmasters. Hence, the petitioner had given a representation to the respondents on 02.08.2014, to count the period of services rendered by the petitioner as untrained teacher for pension purpose and accordingly revise the pension and to pay arrears and other consequential benefits. Since the said representation was not considered by the respondents, the present Writ Petition has been filed.

4. The learned Special Government Pleader appearing for respondents would submit that eight(8) weeks time limit may be given to the respondents to consider the representation of the petitioner dated 02.08.2014 by calling for enquiry and to pass necessary orders.

5. Taking into consideration the nature of relief sought for in this writ petition and also taking note of the averments made in this writ petition, this court is of the considered opinion that a duty is cast upon the



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Statutory Authority viz., respondents to consider the representation of the petitioner dated 02.08.2014 on its own merits and pass appropriate orders.

6. In such view of the matter, without going into the merits of the claim of the petitioner, there shall be a direction to the respondents herein to consider the representation of the petitioner in consonance with G.O.Ms.No.43 School Education Department dated 02.03.1998; G.O.Ms.No.35 School Education (N1(1)) Department dated 02.03.2001 and G.O.Ms.No.1 School Education (S2) Department dated 02.01.2009 and pass appropriate orders within a period of eight(8) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of.
No costs.

24.03.2023

Index:Yes/No
msv



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J.NISHA BANU,J.

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