



WEB COPY



W.P.No. 12568 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 12568 of 2017

and

W.M.P.No. 38343 of 2017

S. Kalavathy

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep., by its Secretary to Government,
School Education Department,
Fort St. George, Chennai – 09.

2.The Director of School Education,
College Road, Chennai – 06.

3.The Joint Director of School Education,
College Road, Chennai – 06.

4.The Principal/Correspondent,
Allagappa Matriculation Higher Secondary School,
Purasawalkam, Chennai – 84.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in OM.No.064352/R1/E2/2015 dated 09.12.2015 and quash the same and issue a consequential direction to the respondents to calculate the petitioner's previous service of 23 years and 3 months as PG Assistant teacher in the fourth respondent school for the purpose of grant of Pension and refix the regular pension and grant arrears of pensionary benefits and other service benefits.



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For Petitioner : Mr. E. Ramya Shree

For Respondents : Mr. V. Manoharan, for R1 to R3
Additional Government Pleader

ORDER

This Writ Petition has been filed against the order of the second respondent dated 09.12.2015 and for a consequential direction to the respondents to calculate the petitioner's previous service of 23 years and 3 months as P.G. Assistant Teacher in the fourth respondent School for the purpose of grant of pension and refix the regular pension and grant arrears of pensionary benefits and other service benefits.

2. A counter has been filed on behalf of the respondents disputing the claim of the petitioner.

3. During the course of hearing today, the learned Additional Government Pleader appearing for the respondents has placed a reliance on the order dated 10.10.2022 in W.P.(MD) No.4881 of 2015 stating that this Court already considered the identical issue in the said case and dismissed the writ petition.

4. At paragraph No.5 of the said order, while holding that the writ petition cannot be entertained, held as extracted herein under: -

“5. Any service rendered in Self Finance institution or in any



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Matriculation school or unsanctioned post in an Aided School cannot be counter for granting pension since those service cannot be considered as government service. If the petitioner claim is accepted then any private employment ought to be included along with the government service and government would be made liable for paying pension for the private employment also, which can never be permitted at all. The petitioner has rendered in Matriculation School which is a Management School and a Self-Finance School, which is not aided school. Hence the petitioner is not entitled to add such service. Therefore, basic claim itself is on a wrong footing. Hence, this writ petition cannot be entertained. Hence the legal heirs cannot be granted any liberty to adjudicate this issue.”

5. On perusal of the same, the finding of this Court in the said writ petition is squarely applicable to the facts of the present case. Following the same, the present Writ Petition is dismissed.

6. Consequently, connected miscellaneous petition is closed.

7. There shall be no order as to costs.

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Index :Yes/No

Neutral Citation :Yes/No



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