



W.P.(MD).No.4968 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4968 of 2024

and

W.M.P(MD) No.4742 of 2024

K.Thirumurugan

... Petitioner

Vs.

1. The Accountant General,
Office of the Accountant General,
361, Annasalai, Chennai.
2. The Chief Educational Officer,
Tenkasi, Tenkasi District.
3. The District Educational Officer,
Tenkasi,
Tenkasi District.
4. The Correspondent,
Muslim Higher Secondary School,
Vadakarai – 627 812,
Senkottai – Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in



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No.P23/12329105/4/R2329105, dated 12.12.2023 in so far as calculating the pension for 20 years 1 month 0 days of service as illegal and quash the same and consequently direct the respondent to revise the pension pay by taking the qualifying service as 24 Years 10 Months 28 days instead of 20 years 1 Month 0 days and disburse arrears and all other monitory benefits within stipulated period as fixed by this Court.

For Petitioner	: Mr.S.Chellapandian
For R1	: Mrs.S.Mahalakshmi Standing Counsel
For R2 and R3	: Mr.T.Amjadkhan Government Advocate

ORDER

The instant writ petition has been filed by a retired B.T.Assistant Teacher, challenging the order passed by the first respondent, dated 12.12.2023, wherein the period during which the petitioner had not completed Child Psychology Certificate has been excluded for reckoning pensionable service.

2. The petitioner herein, who had the qualification of B.Ed., was appointed as a Secondary Grade Teacher in an aided minority institution on



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03.08.1997. His appointment was approved by the authorities on 27.03.1998.

Later, it was found that the petitioner having not undergone child psychology training, and he was directed to undergo the said training.

3. The petitioner has undergone child psychology training between 02.05.2003 and 31.05.2003. Thereafter, the petitioner was promoted as B.T.Assistant and retired from service on 30.06.2023.

4. The educational authorities after calculating the pensionable service from 03.08.1997 have forwarded the pension proposals to the first respondent herein. Under the impugned order, the first respondent had calculated the pensionable service excluding the period between 03.08.1997 and 31.05.2003 on the ground that the petitioner was not qualified to hold the post of Secondary Grade Teacher, having not passed child psychology training. This order is under challenge in the present writ petition.

5. The Hon'ble Division Bench of our High Court, while considering the validity of G.O.(Ms) No.155, School Education Department, dated 03.10.2002, in the judgment in W.A.No.249 of 2002, dated 02.04.2004 (*The*



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***State of Tamil Nadu, Represented by its Secretary, Education Department
Vs. Pallivasal Primary School, Represented by its Correspondent,
Mudukulathur), in Paragraph No.8, has held as follows:***

*“..... 8. Their right to be regarded as persons eligible for confirmation/approval can be said to arise only after they acquired, after their training, a minimum prescribed qualification. The Government here has shown great concession to them by allowing them to retain their position even without obtaining the requisite diploma or certificate in child psychology by giving to them training in child psychology. We seek nothing wrong in the Government directing that their approval/confirmation can only be on and after the date they complete the training. **Their past service however shall count for pension.**”*

6. In view of the judgment of the Hon'ble Division Bench of our High Court, it is clear that though the period during which the petitioner is not possessing the Child Psychology Certificate cannot be considered for any purpose, the same could be counted for the purposes of pension.



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7. In view of the above legal position, the first respondent herein was not right in excluding the period between 03.08.1997 and 31.05.2003 for the purposes of calculating pension. Therefore, the impugned order is liable to be set aside and it is accordingly set aside. The respondents herein are directed to calculate the period between 03.08.1997 and 31.05.2003 as pensionable service and calculate the pension and disburse the benefits within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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