



W.P.(MD)No.7314 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.06.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7314 of 2021
and
W.M.P.(MD)No.5570 of 2021

D.Stephen Jeyson

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai -9.
- 2.The Director of School Education,
College Road,
Chennai – 6.
- 3.The Accountant General (A& E),
O/o, The Accountant General (A & E) Office,
Chennai -18.
- 4.The District Educational Officer,
O/o. The District Educational Officer,
Thiruchendur, Tuticorin District.
- 5.The Correspondent,
Margoschis Higher Secondary School,
Nazreth – 628617,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Oo.Mu.No.2682/A3/2020 dated Nil.



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11.2020 signed on 26.11.2020 on the file of the respondent no.4 and quash the same as illegal and consequently for a direction, directing the respondents to revised pension payment by considering the reckoned service period to the petitioner.

For Petitioner : Mr.S.Rajasekar
For M/s.Lajapathi Roy Associates
For Respondents 1,2 & 4 : Mr.M.Sarangan
Additional Government Pleader
For 3rd Respondent : Mr.P.Gunasekaran
Standing Counsel
For 5th Respondent : Mr.Kingsley Solomon

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Oo.Mu.No. 2682/A3/2020 dated Nil.11.2020 signed on 26.11.2020 on the file of the 4th respondent and seeking to count the leave substitute period served by the petitioner from 16.10.1987 to 11.01.1988.

2.The learned counsel appearing for the petitioner submitted that if her service in a substituted post for a period from 16.10.1987 to 11.01.1988 added into service, she would gain a super Special Grade on the basis of G.O.Ms.No.562, Finance (Pay Cell) Department dated 28.10.1998 and pressed for allowing the Writ Petition.

3.The learned Standing Counsel appearing for the third respondent vehemently submitted that the said claim is not based on any prevailing



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Rules or provisions of relevant Clause.

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4.The learned Standing Counsel further submitted that there is no entry in the service register of the petitioner with respect to the claimed period. In view of the same, nothing survives for adjudication in this petition and he pressed for dismissal of the Writ Petition.

5.Heard the learned counsels on either side and carefully perused the entire materials available on record.

6.Obviously as contended by the learned Standing Counsel for the third respondent, the claim of the petitioner is not based on any provisions or applicable law. Hence, this Writ Petition is not maintainable.

7.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.06.2024

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



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L.VICTORIA GOWRI, J.

Mrn

To

- 1.The Principal Secretary,
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- 2.The Director of School Education,
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- 3.The Accountant General (A& E),
O/o, The Accountant General (A & E) Office,
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