



W.P.(MD)No.8255 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2024

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.8255 of 2023
and WMP(MD).No.7602 of 2023**

B.Sathiya Narayanan
Secondary Grade Teacher
Saraswathi Vilas Elementary School
Varadharaja Perumal Koil Street
Trichy 620 008, Trichy District

... Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its Secretary
Department of School Education
Fort St.George, Chennai 600 009

2.The Commissioner of School Education
College Road, Chennai 600 006

3.The Director of Elementary Education
College Road, Chennai 600 006

4.The Chief Educational Officer
Trichy District at Trichy

5.The District Educational Officer (Elementary)
Trichy, Trichy District



W.P.(MD)No.8255 of 2023

6.The Block Educational Officer
Trichy Urban, Trichy District

7.The Correspondent
Saraswathi Vilas Elementary School
Varadharaja Perumal Koil Street
Trichy 620 008, Trichy District

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to reckon the service rendered by the petitioner in the 7th respondent School as Secondary Grade Teacher from 26.06.1998 to 21.05.2018 for pension purpose and place the petitioner under Old Pension Scheme as per G.O.No.413 (Finance (PGC) Department) dated 04.11.2010.

For Petitioner : M/s.S.Xavier Rajini

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R6

: No Appearance for R7

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher seeking a mandamus to reckon his services in the seventh respondent School between 26.06.1998 to 21.05.2018 for the purposes of pension and to place the



W.P.(MD)No.8255 of 2023

petitioner under Old Pension Scheme as per G.O.Ms.No.413 (Finance (PGC) Department) dated 04.11.2010.

2.The petitioner herein was appointed as a Secondary Grade Teacher in the seventh respondent School on 26.06.1998. The petitioner was having qualification of B.Sc.,B.Ed., at the time of his appointment. Since the petitioner has not undergone certificate course in Child Psychology training, his appointment was not approved by the authorities.

3.The petitioner had approached this Court in WP(MD).No.2815 of 2011 seeking to quash the said order and to approve his appointment. The petition was allowed on 30.04.2014. The State has challenged the said order in WA(MD).No. 511 of 2016. The Hon'ble Division Bench by an order dated 02.08.2017 had dismissed the writ appeal. The observations of the Hon'ble Division Bench in Paragraph No.5 are extracted as follows:

“5.Actually, the writ petitioner's name ought to have been included in the earlier G.O.Ms.No.150 dated 02.07.2007, when 22 similarly placed teachers were granted the benefit of G.O.Ms.No.155 dated 03.10.2002. It would be unfair to deny the said benefit to the first respondent alone. The learned Judge has simply applied the principles of equality and allowed the writ petition. We see no reason



W.P.(MD)No.8255 of 2023

WEB COPY

to differ with the reasons assigned by the learned Single Judge for granting relief to the first respondent. There is no merit in this writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.”

4.It is the contention of the learned counsel appearing for the writ petitioner that the services rendered by the writ petitioner as a Secondary Grade Teacher from 26.06.1998 till his approval on 21.05.2018 should be taken into consideration for the purposes of pension. The learned counsel had relied upon G.O.Ms.No.150, School Education Department dated 02.07.2007 wherein 22 similarly placed Second Grade Teachers were conferred with the benefit of G.O.Ms.No.155, School Education Department dated 03.10.2022.

5.The order of the Hon'ble Division Bench as extracted above clearly indicate that the petitioner is a similarly placed person on par with those 22 teachers who were granted similar benefits under G.O.Ms.No.150, School Education Department dated 02.07.2007. Therefore, the petitioner cannot be discriminated and the petitioner is also entitled to similar benefits.

6.In view of the above said deliberations, the respondents are directed to treat the period between 26.06.1998 to 21.05.2018 for pension purpose and to bring the petitioner under old pension scheme as per G.O.Ms.No.413 (Finance



W.P.(MD)No.8255 of 2023

(PGC) Department) dated 04.11.2010 with all consequential benefits.

7.In the result, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is closed.

05.11.2024

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
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W.P.(MD)No.8255 of 2023

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R.VIJAYAKUMAR, J.

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