



WP(MD) No.12568 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.12568 of 2024

Grace Selvarani

... Petitioner

Vs.

1.The State of Tamil Nadu

Through its Secretary to Government School
Education Department,
Secretariat,
Fort St. George,
Chennai - 9.

2.The Director of School Education,

College Road,
Chennai - 6.

3.The District Educational Officer,

Tenkasi District,
Tenkasi.



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4.The Correspondent

Higher Secondary /High /Special Schools

Tinnevelly Diocese Trust Association

Baranbrook Higher Secondary School,

Bangalow Surandai,

Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to approve the petitioner appointment from the date of his appointment on 24.02.2002 and to grant benefits accordingly and to include the petitioner in Old Pension Scheme based on his representation dated 19.09.2023.

For Petitioner : Mr.T.Augustine Ebenezer

For Respondents : Mr.T.Amjad Khan – for R1 to R3

Government Advocate

ORDER

The petitioner has filed this writ petition seeking a Writ of Mandamus to direct the respondents to approve the petitioner's appointment from the date of his appointment on 24.02.2002 and to



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grant benefits accordingly and to include the petitioner in Old Pension Scheme based on his representation dated 19.09.2023.

2. Heard Mr.T.Augustine Ebenezer, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 to 3.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. According to the petitioner, he has been appointed as a Secondary Grade Teacher in the fourth respondent School on 24.06.2002. However, the third respondent has given approval to the appointment of the petitioner from 01.06.2003. Since the petitioner has been appointed from 24.06.2002, he claims that he will fall under the old pension scheme and not under the new Contributory pension scheme. The representation given in this regard by the petitioner has not been considered by the respondent so far and hence, he filed this writ petition.



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5. The learned Government Advocate appearing for the respondents submitted that even the sixth respondent themselves have reissued the appointment order by cancelling the earlier appointment dated 24.06.2002 and the school has given an order to the petitioner stating that for the period between 24.06.2002 and 31.05.2003, no salary can be given to the petitioner.

6. In fact, the approval to the petitioner's appointment has also been granted only with effect from 01.06.2003 and not with effect from 24.06.2002. Unless the petitioner challenges the order of the third respondent stating that his appointment starts only from 01.06.2003 and that the approval granted by the third respondent relied back to 01.06.2003, the petitioner cannot make a direct claim about his inclusion in the old pension scheme.

7. However, it is up to the third respondent to consider the representation of the petitioner and pass appropriate orders in their best appreciation on its own merits, within a period of four weeks from the date of receipt of a copy of this order.



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8. With the above direction, this writ petition is **disposed**
of. No costs.

14.06.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
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