



W.A.(MD)No.761 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

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and

C.M.P.(MD)No.5588 of 2024

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Education Department,
Fort St.George, Chennai.
- 2.The Director of Elementary Education,
College Road, Chennai.
- 3.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The Assistant Elementary Educational Officer,
Tenkasi, Tirunelveli District.

... Appellants

-Vs-

- 1.S.I.Mohideen Meeral
- 2.The Manager,
Muslim Primary School,
Vadakarai, Tenkasi Taluk,
Tirunelveli District.

... Respondents



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 25.11.2021 made in W.P.(MD)No.13194 of 2018 on the file of this Court.

For Appellants : Mr.D.Sadiq Raja,
Additional Government Pleader
For R1 : Mr.P.Thirumahilmaran

JUDGMENT

[Judgment of the Court was delivered by *R.SURESH KUMAR, J.*]

The 1st respondent Teacher approached the Writ Court, seeking for Writ of Mandamus to give approval for her appointment as Secondary Grade Teacher with effect from 13.07.1995 in the 2nd respondent School.

2.While considering the said plea, the learned Single Judge, by order dated 25.11.2021, having taken note of the law laid down by the Division Bench of this Court in the matter of *State of Tamilnadu and others Vs. Pallivasal Primary School (2004 (2) Weekly 591)*, has held that the writ petitioner / 1st respondent shall be entitled to the service benefits as confirmed by the Division Bench in the aforesaid decision, being pension alone, taking into account the service of the writ petitioner from 13.07.1995. That means, from the date of original appointment, the service of the writ petitioner would be calculated only



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for pensionary benefits not for any other benefits and service benefits would take place from the date, where she completed Child Psychology Training, which she completed only in the year 2003.

3.From the year 2003 onwards, she is getting pay from the Government. Therefore, to that extent, the writ petitioner / 1st respondent may not have any grievance. Insofar as the service from 1995 to 2003 as per the terms of the judgment of the Division Bench as stated supra, she is entitled to get pensionary benefits, after superannuation.

4.In this context, the order of the Writ Court is accepted by the writ petitioner / 1st respondent. However, the appellant Department has preferred this Writ Appeal.

5.Though the learned Additional Government Pleader for the appellants has made a submission that such an observation made in paragraph No.12 of the impugned order may not be justifiable, we are not impressed with the said submission, as the said observation made by the learned Single Judge, holding that the writ petitioner shall be entitled to get pensionary benefits for the said period between 1995 and 2003 is strictly in consonance with the judgment of the



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Division Bench as stated supra. Therefore, absolutely, there is no interference called for in the said conclusion arrived by the learned Single Judge through the impugned order.

6.Resultantly, this Writ Appeal fails, accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] & [G.A.M., J.]
25.04.2024

NCC : Yes / No
Index : Yes / No
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