



W.A.No.2903 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.A.No.2903 of 2025
and
C.M.P.No.23513 of 2025**

1. The State of Tamil Nadu,
Represented by Secretary,
School Education Department,
Fort St.George,
Chennai - 9.

2. The Joint Director of School Education,
College Road,
Chennai - 6.

3. The Chief Educational Officer,
Vellore.

... Appellants

-Vs-

1. K.Manju

2. The Accountant General,
Office of the Principal Accountant General,
No.361, Anna Salai,
Chennai - 18.

... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 08.11.2023 in W.P.No.31603 of 2018.



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For Appellant : Mr.J.C.Durai Raj
Additional Government Pleader

For Respondents : Mr.R.Sasidaran for R1
Mr.T.Sathiyamoorthy for R2

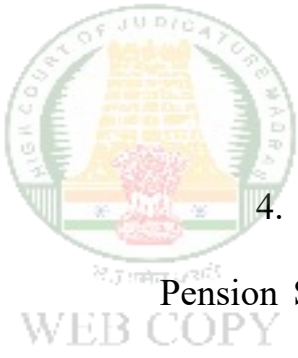
J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 08.11.2023 made in W.P.No.31603 of 2018.

2. The first respondent / writ petitioner was appointed as Block Resources Teacher pursuant to the notification of the Teachers Recruitment Board Advertisement No.4 of 2002 and pursuant to the selection, an appointment order was issued on 26.03.2003 vide proceedings in Na.Ka.No.17280/C5/C18/02 posting her at R.V.Pettai School, Thiruvallur District.

3. Since the writ petitioner's husband was a visually disabled person and was working in Gudiyatham, Vellore District, she sent a representation to modify her posting to a nearby School where her husband was working. As per her request, the revised posting order was issued on 24.04.2003 and the writ petitioner reported for duty on 28.04.2003.



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4. Since she joined only on 28.04.2003, in the meanwhile, the New Pension Scheme had come into effect on 01.04.2003, the writ petitioner was brought under the Contributory Pension Scheme, i.e., New Pension Scheme, that was the issue before the writ Court.

5. The writ Court having considered this factual matrix ultimately allowed the said writ petition by directing the employer to bring the writ petitioner under the General Provident Fund and Pension Scheme, that was the order impugned.

6. We have heard Mr.J.C.Durai Raj, learned Additional Government Pleader appearing for the appellants, Mr.R.Sasidaran, learned counsel appearing for the first respondent / writ petitioner and Mr.T.Sathiyamoorthy, learned counsel for the second respondent herein.

7. The learned counsel appearing for the first respondent / writ petitioner has submitted that, the issue raised in the present appeal as has been decided by the writ Court has already engaged by a Division Bench of this Court in W.A.No.3401 of 2024, (where one of us (RSKJ) was a party), wherein a detailed order was passed on 27.11.2024 and the said writ appeal filed by the State was dismissed by taking into account of the judgment of the Hon'ble



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Supreme Court in the matter of ***Union of India Vs. Tushar Ranjan Mohanty*** reported in ***1994 (5) SCC 450*** and also the judgment of the Delhi High Court in ***W.P(C)No.8208 of 2020 etc., batch dated 15.01.2021.***

8. Relying upon the said Division Bench judgment made in ***W.A.No.3401 of 2024*** in the matter of ***State of Tamil Nadu, Represented by its Principal Secretary to Government, Home Department, Secretariat, Fort St.George, Chennai - 600 009 and another Vs. Dr.Meenakshi Vijayakumar***, the learned counsel for the first respondent / writ petitioner would submit that this writ appeal also is liable to be rejected.

9. This factual matrix cannot be disputed by the learned Additional Government Pleader appearing for the appellants except to state that, when the similar issue came up for consideration before yet another Division Bench where orders have been passed of course against the employer State, as against which, SLP(C)Diary No.51426 of 2025 has been filed which is pending before the Hon'ble Apex Court.

10. After having heard the learned counsel appearing for both sides, we find that, the issue raised in the present appeal has already been given a quietus by more than one decision of the Division Bench of this Court which was cited



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before us is dated 27.11.2024 made in W.A.No.3401 of 2024 as cited *supra*

where, in fact a similar issue has been considered and in that case, the selection had been made in respect of 84 candidates, whereas 81 candidates had been given appointment prior to 01.04.2003, but for want of certain clarification, appointment to the writ petitioner in the said case was delayed and it was given only on 01.08.2003, i.e., after the cut-off date of 01.04.2003. Even in that case, the Division Bench took the view that, since the selection was over, appointment has been delayed only because of the employer side or Recruitment Board side and therefore, that kind of delay cannot be attributable on the employee and on the said reason the writ petition was allowed, which was accepted by the Division Bench and thereby the writ appeal was dismissed by the said order of the Division Bench dated 27.11.2024. Therefore, we are inclined to follow the said judgment of the Division Bench for the reason that, it is not only similar facts but also better facts, the reason being that, in the present case, insofar as the first respondent / writ petitioner is concerned, she was given appointment order on 26.03.2003, i.e., prior to cut-off date, i.e., 01.04.2003. However, because of her husband was visually impaired person and has been working in a particular place, she wanted to get a posting only in a nearer place, which was also considered and granted on 24.04.2003, pursuant to which, the writ petitioner joined on 28.04.2003. Therefore, it was only a technical alteration and insofar as the appointment order is concerned, which was given



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even prior to 01.04.2003, therefore, the present case where the first respondent / writ petitioner is placed in a better pedestal than the facts of the case we have referred in W.A.No.3401 of 2024. Hence, in all force, the judgment of the Division Bench dated 27.11.2024 has to be followed and following the same, we are inclined to dismiss the present Writ Appeal, accordingly it is dismissed.

11. After dictating the order, the learned Additional Government Pleader appearing for the appellants wants three months time to comply the order passed by the writ Court which is impugned herein. The said request of the learned Additional Government Pleader is accepted. Therefore, three months time is granted from the date of receipt of a copy of this judgment to comply the order of the writ Court which is impugned herein. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.)

(S.S., J.)

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



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To

The Accountant General,
Office of the Principal Accountant General,
No.361, Anna Salai,
Chennai - 18.



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