



WEB COPY

WP No. 16015 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-07-2025**

CORAM

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**WP No. 16015 of 2024**

**AND**

**WMP NO. 17489 OF 2024**

1. S.Padmaja

W/o Late Rajalochanan Thambi

No 24/93, Kumaravilasam, Anducode

Post Pincode 629 168

Kanniyakumari District

Petitioner(s)

Vs

1. The Government Of Tamil Nadu

Rep By Its Secretary,

School Education Department

Fort St George, Chennai 600 009.

2.The Director Of School Education

DPI Campus,

College Road,

Chennai 600 006.

3.The District Educational Officer

Marthandam And Post,

Kanniyakumari District 629 165.

4.The Accountant General Of

Tamil Nadu

Teynampet, Chennai 600 018.



5. The Correspondent

PPM Higher Secondary School

Anducode & Post

Kanniyakumari District

Pincode 629 168.

Respondent(s)

**PRAYER**

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the order of the 3<sup>rd</sup> respondent issued in Na.Ka.No 5231 / B2 / 2023 dated -03.2024 signed on 03.04.2024 and quash the same and direct the respondents to sanction pension and other retirement benefits from 01.07.2023 to the petitioner by counting her service from 04.06.1997 till 30.06.2023 as a secondary Grade Teacher in the 5<sup>th</sup> respondent school with appropriate interest forthwith.

For Petitioner(s): Mr.P. Ebenezer Paul  
V.Krishnamurthy

For Respondent(s): Mr. S. Prabhakaran  
Government Advocate  
For R1 To R3  
Mr. P.Manorajan  
Standing Counsel For R4

**ORDER**

This writ petition has been filed to calling for the records relating to the order of the 3<sup>rd</sup> respondent issued in Na.Ka.No 5231 / B2 / 2023 dated -03.2024 signed on 03.04.2024 and quash the same and direct the respondents to sanction pension and other retirement benefits from 01.07.2023 to the petitioner by counting her service from 04.06.1997 till 30.06.2023 as a



secondary Grade Teacher in the 5<sup>th</sup> respondent school with appropriate interest forthwith.

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2. Heard Mr.P.Ebenezer Paul, learned counsel for the petitioner, Mr.S.Prabhakaran, learned Government Advocate appearing on behalf of the respondents 1 to 3 and Mr.P.Manorajan, learned Standing Counsel appearing for the 4<sup>th</sup> respondent.

3. The learned counsel for the petitioner would submit that the petitioner was appointed as a Secondary Grade Teacher on 04.06.1997 in the 5<sup>th</sup> respondent School in a sanctioned post. Her appointment was not approved on the ground that she has not possessed Diploma in Teacher Education as per G.O.Ms.No.559 dated 11.07.1995. In the meanwhile, vide G.O.Ms.No.155 dated 03.10.2002, the Government has issued guidelines to give one month Child Psychology Training to the B.Ed., qualified candidate to be appointed in the Secondary Grade vacancy with effect from 11.07.1995 to 19.05.1998. It is the further submission of the petitioner that such action of the Government was approved by this Court vide the judgment of the Hon'ble Division Bench in ***The State of Tamil Nadu and others Vs. Pallivasal Primary School*** reported in ***2004-2-LW-591***. The learned counsel for the petitioner would submit that when the petitioner had sent a representation to consider her earlier appointment with effect from 11.07.1995 to 19.05.1998 for the purpose of calculating her pension, the same was rejected on the ground that the petitioner had acquired the

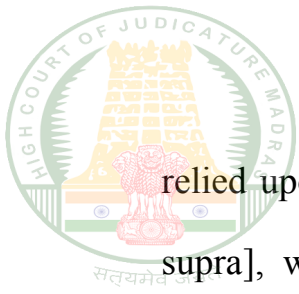


Diploma in Child Psychology only during 2003. Therefore, construed that the approval of appointment has to be taken into consideration from 02.06.2003 and returned the pension proposal. Hence, prayed to interfere with the impugned order.

4. The learned Government Advocate would strongly object the above contention and would submit that the required qualification to be appointed for the Secondary Grade Teacher is the Diploma in Teacher Education, whereas the petitioner did not have the required qualification and by virtue of G.O.Ms.No.155 dated 03.10.2002, a concession was given to those Teachers to get such Child Psychology Training and therefore, the date of acquirement of Child Psychology Training is the appropriate date to be considered for an approval, as it is a mandatory qualification. Therefore, would contend that there is no ground to interfere with the impugned order.

5. I have given my anxious consideration to either side submissions.

6. The primary contention of the learned counsel for the petitioner is that though she obtained the Child Psychology Training in the year 2003, she was initially appointed as a Secondary Grade Teacher on 04.06.1997 in a sanctioned post. Therefore, by virtue of G.O.Ms.No.413 dated 04.11.2010, her appointment has to be approved from the date of her initial appointment viz., 04.06.1997 for all purpose including for the pension. The learned counsel for the petitioner



relied upon the Division Bench judgment of ***Pallivasal Primary School*** [cited *supra*], wherein this Court observed as follows:-

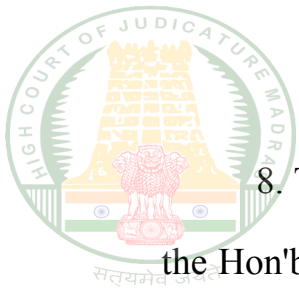
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*“8. Their right to be regarded as persons eligible for confirmation/approval can be said to arise only after they acquired, after their training, a minimum prescribed qualification. The Government here has shown great concession to them by allowing them to retain their position even without obtaining the requisite diploma or certificate in child psychology by giving to them training in child psychology. We see nothing wrong in the Government directing that their approval/confirmation can only be on and after the date they complete the training. **Their past service however shall count for pension.**”*

*(Emphasis supplied by this Court)*

7. In a recent judgment of this Court in ***T.Tulasiraman Vs. The State of Tamil Nadu and 4 others [WP.No.10040/2024]***, it has been held in an identical set of facts observed in paragraph 2 and the same reads as under:-

*“2. The petitioner joined service as a Secondary Grade Teacher in the fifth respondent aided School with effect from 01.06.1997. As per the relevant rules which were in force at that time, even B.Ed., Degree holders were permitted to be appointed as Secondary Grade Teachers provided that they undergo one month of training in Child Psychology. Thereafter, the petitioner was deputed for Child Psychology training from 02.05.2003 to 31.05.2003 and he completed the training. Now, when the petitioner superannuated from service with effect from 31.10.2023 and when his pension proposals were forwarded, the same are returned by the second respondent on the ground as if the petitioner's appointment itself is only with effect from 02.06.2003 i.e., the date of completion of the training.”*



8. This judgment of the learned Single Judge was subsequently upheld by the Hon'ble Division Bench in ***WA.No.1859 of 2025 [The State of Tamil Nadu Vs. T.Tulasiraman and another]***, dated 24.06.2025. Therefore, it is amply clear that though the Child Psychology Training was at later point of time as far as the pension is concerned, the initial date of appointment should be taken as the appointment date. Hence, this Court is of the firm view that the service rendered between the date of initial appointment and the date of regularisation would be counted as service for the purpose of calculation of pension. The Hon'ble Division Bench has further observed that the above proposition of this Court was subsequently confirmed by the Hon'ble Supreme Court in Civil Appeal No.5012 of 2006. Hence, this Court is of the firm view that the impugned rejection order is liable to be set aside.

9. In the result, this writ petition stands allowed and the impugned order dated 03.04.2024 is hereby quashed. The respondents are directed to sanction the pension and other retirement benefits from 01.07.2023 to the petitioner by counting her service from 04.06.1997 till 30.06.2023 as a Secondary Grade Teacher. The said exercise shall be completed within a period of three(3) months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected WMP is also closed.

**10-07-2025**

*kmi*

Index: Yes/No

Speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 16015 of 2024



To

1. The Government Of Tamil Nadu  
Rep By Its Secretary, School Education  
Department Fort St George,  
Chennai 600 009.

2. The Director Of School Education  
DPI Campus, College Road,  
Chennai 600 006

3. The District Educational Officer  
Marthandam And Post,  
Kanniyakumari District 629 165.

4. The Accountant General Of Tamil  
Nadu  
Teynampet, Chennai 600 018.

5. The Correspondent  
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**C.KUMARAPPAN J.**

*kmi*

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