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W.P.Nos.14783, 30327, 30330 & 30333 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.14783, 30327, 30330 & 30333 of 2025 and
WMP.Nos.34045 & 34042 of 2025

WP.no14783 of 2025

M.Muthumani

... Petitioner

Vs.

1.THE STATE OF TAMILNADU,
REP BY ITS SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, CHENNAI 600 009

2.THE JOINT DIRECTOR OF SCHOOL EDUCATION,
DPI COMPLEX, CHENNAI 600 006

3.THE CHIEF EDUCATIONAL OFFICER,
RAMANATHAPURAM DISTRICT

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Mandamus directing the respondents to admit
the petitioner in the old pension scheme, by considering the
representation of the petitioner dated 18.11.2024, in the light of the order
passed in W.P. (MD) No 3038 of 2007 dated 09.01.2013, confirmed in the
order passed in W.A. (MD) No 370/2018 dated 14.03.2018 and the same



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W.P.Nos.14783, 30327, 30330 & 30333 of 2025
complied by the Government in G.O (Ms) No 41 dated 05.08.2022

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

WP.no.30327 of 2025

N.Latha

... Petitioner

Vs.

1.THE STATE OF TAMILNADU,
REP BY ITS SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, CHENNAI-600 009.

2.THE CHAIRMAN,
TEACHER RECRUITMENT BOARD,
COLLEGE ROAD, CHENNAI- 6.

3.THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI- 600 006.

4.THE CHIEF EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the entire
records connected with the impugned order passed by the 4th respondent
in Na.Ka. No. 7050/Aa1/ 2023, dated 29.04.2024 and quash the same,
and consequently direct the respondents to admit the petitioner in the old
pension scheme by taking into fact that the recruitment process was

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started by the 2nd respondent vide Notification No.4/ 2002/ 2, dated
09.02.2002, and selection process was over prior to 01.04.2003, in the
light of the order passed in W.P. NO.33857 of 2023, dated 07.03.2024,
confirmed in W.A. No. 3401 of 2024, dated 27.11.2024

For Petitioner : Mr.S.N.Ravichandran

For Respondents

For R1, 3 & 4 : Mrs.S.Mythreye Chandru,
Special Government Pleader

For R2 : Mr.C.Kathiravan,
Standing Counsel

WP.no.30330 of 2025

M.Umarani

... Petitioner

Vs.

1.THE STATE OF TAMILNADU,
SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, SECRETARIAT, CHENNAI-600 009.

2.THE CHAIRMAN,
TEACHER RECRUITMENT BOARD,
COLLEGE ROAD, CHENNAI- 6.

3.THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI- 600 006.

4.THE JOINT DIRECTOR OF SCHOOL EDUCATION
(EMPLOYMENT),
COLLEGE ROAD, CHENNAI- 600 006

... Respondents



W.P.Nos.14783, 30327, 30330 & 30333 of 2025

PRAYER:

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Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the entire records connected with the impugned order passed by the 4th respondent in Na.Ka. No.65486/ C4/ E1/ 2021, dated 06.06.2024 and quash the same, and consequently direct the respondents to admit the petitioner in the old pension scheme by taking into fact that the recruitment process was started by the 2nd respondent vide Notification NO.4/ 2002/ 2, dated 09.02.2002, and selection process was over prior to 01.04.2003, in the light of the order passed in W.P. NO.33857 of 2023, dated 07.03.2024, confirmed in W.A. No. 3401 of 2024, dated 27.11.2024

For Petitioner : Mr.S.N.Ravichandran

For Respondents

For R1, 3 & 4 : Mrs.S.Mythreye Chandru,
Special Government Pleader

For R2 : Mr.C.Kathiravan,
Standing Counsel

WP.no.30333 of 2025

P.Kuhan

... Petitioner

Vs.

1.THE STATE OF TAMILNADU,
SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT,
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SECRETARIAT, CHENNAI-600 009.

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2.THE CHAIRMAN,
TEACHER RECRUITMENT BOARD,
COLLEGE ROAD, CHENNAI- 6.

3.THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI- 600 006.

4.THE JOINT DIRECTOR OF SCHOOL EDUCATION
(EMPLOYMENT),
COLLEGE ROAD, CHENNAI- 600 006

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the entire records connected with the impugned order passed by the 4th respondent in Na.Ka. No.9937/ C4/ E1/ 2021, dated 06.06.2024 and quash the same, and consequently direct the respondents to admit the petitioner in the old pension scheme by taking into account of the fact that the recruitment process was started by the 2nd respondent vide Notification and selection process was over prior to 01.04.2003, in the light of the order passed in W.P. NO.33857 of 2023, dated 07.03.2024, confirmed in W.A. No. 3401 of 2024, dated 27.11.2024

For Petitioner : Mr.S.N.Ravichandran



W.P.Nos.14783, 30327, 30330 & 30333 of 2025

For Respondents

For R1, 3 & 4

: Mrs.S.Mythreye Chandru,
Special Government Pleader

For R2

: Mr.C.Kathiravan,
Standing Counsel

COMMON ORDER

The writ petition in WP.no.14783 of 2025 has been filed for direction to the respondents to admit the petitioner in the old pension scheme. As per the notification dated 09.02.2002, applications were invited to fill up 3060 vacancies in the post of Block Resource Teacher Educators. The petitioner applied and finally the petitioner participated in the certification verification on 28.02.2003. Thereafter the petitioner was issued appointment order dated 26.03.2003 on condition to join within a period of one week. Accordingly, the petitioner had joined on 01.04.2003 since two days before fell on Saturday and Sunday. While being so, the Government issued order in GO.No.259 Finance (Pension) Department dated 06.08.2003, thereby introduced new contributory pension scheme to the Government employees recruited / appointed after 01.04.2003. Though the petitioner was selected during the year 2002-2003 and the petitioner was issued appointment order, she had joined only on



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01.04.2003 and as such, now the petitioner is not considered under old pension scheme. Hence, the petitioner submitted representation.

2. The writ petition in WP.No.30330 of 2025 has been filed challenging the order dated 06.06.2024 passed by the fourth respondent thereby rejecting the request made by the petitioner to permit the petitioner in the old pension scheme. The petitioner is qualified to be appointed in the post of Block Resource Teacher Educator and she applied for the said post as per the notification dated 09.02.2002. The petitioner got selected for the said post and the petitioner was called for certification verification held on 13.05.2003. The petitioner had participated in the certification verification on 13.05.2003 and by the communication dated 29.05.2003, the petitioner was informed that she was selected for the said post in the subject of Maths. The third respondent also issued appointment order dated 02.12.2003. The second respondent conducted certificate verification in two phases. The first phase of the certificate verification was conducted and orders of appointment were issued in the month of July 2002 itself. The second phase of certificate verification was conducted in the month of May 2003. In view of the Government order, the petitioner was not included in the



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old pension scheme since she had joined in her post only on 03.12.2003.

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3. The writ petition in WP.No.30327 of 2025 has been filed challenging the order dated 29.04.2024 passed by the fourth respondent thereby rejecting the request made by the petitioner to admit her in the old pension scheme. The petitioner is qualified to the post of Block Resource Teacher Educator and she applied for the same as per the notification dated 09.02.2002. The petitioner was also selected for the said post among the 2374 candidates. The second respondent conducted certificate verification in two phases. The first phase of certificate verification was completed and appointment orders were issued in the month of July 2002 itself. The second phase of certificate verification was conducted till the month of May 2003 and appointment orders were issued in the month of March 2003 and they had joined only on 28.03.2003. However, insofar as the petitioner, during the certification verification, she produced community certificate containing her husband's name. Therefore, she was directed to produce community certificate containing her father's name. Therefore, she was issued appointment order in the month of March 2003. Only after production of community certificate, the petitioner was issued appointment order and

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she had joined duty only on 02.12.2003.

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4. The writ petition in WP.No.30333 of 2025 has been filed challenging the order dated 06.06.2024 passed by the fourth respondent thereby rejecting the request made by the petitioner to admit him in the old pension scheme. The petitioner is qualified to be appointed as Block Resource Teacher Educator and he applied for the said post as per the notification dated 09.02.2002. After having been selected to the said post, the petitioner was issued appointment order dated 15.07.2002 and he was posted at Chennai District. However, the petitioner could not able to join immediately due to his family circumstances. Therefore, submitted representation requesting to place him in Villupuram District. Thereafter, the petitioner was appointed in the District of Nagapattinam as per the appointment order dated 18.06.2003. As such, he had joined in the service on 21.06.2003.

5. It is seen that all the petitioners sought to be admitted in the old pension scheme though they had joined in their respective services after 01.04.2003. As per GO.No.259 Finance (Pension) Department dated 06.08.2003, new contributory pension scheme was introduced to the

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Government employees who were recruited / appointed after 01.04.2003.

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As such, they cannot be permitted to continue in the old pension scheme and they have been admitted in the new contributory pension scheme instead of old pension scheme.

6. The same issue was already dealt with by this Court in WP.No.33857 of 2023 and this Court, by order dated 07.03.2024, held as follows:

8. *This Court also relied upon the judgment of the Hon'ble Supreme Court of India in the case of P.Ranjitharaj Vs. State of Tamilnadu and others reported in (2022) SCC online SC 508, wherein it is held as follows:*

12. *In the given circumstances, when those who are lower in order of merit to the appellants were appointed by an order dated 24th September, 2002, the appellants have no right of say in the matter of appointment and no justification has been tendered by the State respondent as to why their names were withheld for two/three years, when their names were cleared by the Commission on 3rd September, 2002 and sent to the State Government and finally appointments were made of the appellants on 23rd August, 2005 and 23rd April,*



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2004 respectively and the delay indeed in making appointments in the case of the present appellants in no manner could be attributable to them.

13. In the given circumstances, when all other candidates who had participated along with the appellants pursuant to advertisement dated 9th November, 2001, on the recommendations made by the Commission were appointed on 24th September, 2002 including those who are lower in the order of merit, there appears no reason for withholding the names of the present appellants and merely because they were appointed at a later point of time, would not deprive them from claiming to become a member of Tamil Nadu Pension Rules, 1978, which is applicable to the employees who were appointed on or before 1st April, 2003.

7. Aggrieved by the same, the respondents preferred writ appeal in WA.No.3401 of 2024 and the same was also dismissed by order dated 27.11.2024, wherein it was observed as follows:

10. It is the fact that, the selection process commences long back as the Group-I vacancies of the year 1997-98, for which, the selection list has been published well prior to 01.04.2003, 81 selectees, out of 84 selectees, who had been selected for various posts in Group-I Service, had been given appointment and they



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joined service and they are all covered under the Old Pension Scheme. Insofar as the writ petitioner is concerned, for want of clarification with regard to the physical fitness, as certain amendment was required which was also made and relaxation had been given by the Government through G.O.(Ms)No.52, Home (Police-XVII) Department, dated 14.01.2003 that is also well prior to 01.04.2003, the appointment has been delayed and it was given only on 01.08.2003.

11. Merely because such a delay caused and the appointment order was delayed in giving on 01.08.2003, the petitioner cannot be singled out from the entire selection list as the co-selectees of the writ petitioner had been given appointment and they joined service prior to 01.04.2003 and they are all enjoying the benefit of Old Pension Scheme, whereas, such benefit cannot be denied to the respondent / writ petitioner for the reasons that giving an appointment order since has been delayed even though the Government Order to that effect has been issued on 14.01.2003, is a procedural delay caused only by the employer; therefore, such a delay cannot be attributable on the part of the employee, i.e, the writ petitioner.



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8. It was also confirmed by the Hon'ble Supreme Court of India

in SLP.No.11193 of 2025 dated 28.04.2025. Thereafter the order passed by this Court has been duly complied with by admitting that petitioner in the old pension scheme. The above judgments are squarely applicable to the case on hand and the present petitioners are also entitled to be admitted under the old pension scheme. Though the learned counsel for the respondents relied upon the judgment of the Division Bench of this Court rendered in WA.No.158 of 2016 dated 25.07.2019, it is seen that in the said judgment, it was held that the persons who are recruited or appointed on or after 01.04.2003 are not entitled to be admitted in the old pension scheme. In the said judgment, it was answered to a reference with regard to counting of 50% of past services rendered by a Government servant prior to 01.04.2003 when the services were regularised for the purpose of computing pension under the old pension scheme. While answering for such reference, it was held that those, who were freshly appointed on or after 01.04.2003, are not entitled to old pension scheme as per the Government order. Therefore, admitting a Government servant, whose selection process commenced prior to 01.04.2003 and who was appointed after the cut off date, under the old pension scheme, was not the subject matter,. Moreover, the Full Bench did not deal with the issue



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with regard to entitlement of such Government servant for the old
pension scheme. Therefore, the said judgment relied upon by the learned
counsel for the respondents, is not applicable to the case on hand.

9. In view of the above, the impugned orders dated 06.06.2024
and 29.04.2024 are set aside. The respondents in all the writ petitions are
directed to admit the respective petitioners under the old pension scheme
forthwith. Accordingly, all the writ petitions stand allowed. Consequently,
connected miscellaneous petitions are closed. There shall be no order as
to costs.

10.11.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

- 1.THE STATE OF TAMILNADU,
SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.
- 2.THE CHAIRMAN,
TEACHER RECRUITMENT BOARD,
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- 3.THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI- 600 006.
- 4.THE JOINT DIRECTOR OF SCHOOL EDUCATION
(EMPLOYMENT),
COLLEGE ROAD, CHENNAI- 600 006
- 5.THE CHIEF EDUCATIONAL OFFICER,
RAMANATHAPURAM DISTRICT
- 6.THE CHIEF EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT.



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G.K.ILANTHIRAIYAN, J.

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