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W.P.No.1864 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM :

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.1864 of 2022 and
WMP Nos.2010 and 2012 of 2022

Bro.S.Dhanaraj

... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep. by its secretary,
Department of School Education,
Fort St. Goerge, Chennai 600 009.
- 2 The Principal Accountant General (Civil Audit)
Tamil Nadu and Puducherry,
361, Anna Salai, Teynampet,
Chennai 600 018.
- 3 The Director of School Education,
College Road, Chennai 600 006.
- 4 The Chief Educational Officer,
Virudhunagar 626 002.
Virudhunagar District.
- 5 The District Educational officer,
Virudhunagar 626 002
Virudhunagar District.
- 6 The Headmaster / Correspondent
St. Stanislaus Higher secondary School,
45, Mannarkottai Road, Sattur 626 203,
Virudhunagar District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 5th respondent, District Educational officer vide his proceedings in O.Mu.No.5805/A5/2018 dated 08.11.2018 quash the same and further direct to release pension for the petitioner for the pensionable service he rendered as teacher.

For Petitioner : Ms.Abisha Isaac for
M/s.Isaac Chambers

For Respondents : Mr.P.Ananda Kumar,
Government Advocate
for R1, R3 to R5
Mr.J.Sreevidya,
Standing Counsel for R2
No appearance for R6

ORDER

The petitioner seeks to quash the order dated 08.12.2018 passed by the District Educational Officer in his proceedings O.Mu.No.5805/A5/2018 and consequently direct the respondents to grant pension for the pensionable service rendered by him as teacher.

2. The brief facts as set out in the affidavit filed in support of the writ petition is as follows:

2.1. The petitioner who possesses a B.A., M.A., degree in history and B.Ed., degree, was appointed a Secondary Grade Teacher with affect from 06.09.1777 in Santhome Higher Secondary School, Chennai. His



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appointment was approved by the District Educational Officer, Chennai (South). He continued in the said post till 08.06.1980 and was later

transferred to the Campion Anglo Indian Higher Secondary School, Trichy.

He has joined the School on 09.06.1980 and continued there till 07.06.1984. Thereafter, he was transferred to another School called St.

Anthony's Higher secondary School, Coonoor, Nilgiri District as Secondary Grade Teacher where he joined on 08.06.1984. All the

aforesaid Schools were recognized minority institutions administered by the brothers of Saint Gabriel popularly known as "Monfort Brothers". The

petitioner would submit that on 10.06.1987, he was promoted as B.T.

Assistant and transferred back to Campion Anglo Indian Higher Secondary School, Trichy where he continued till 05.06.1989. On 06.06.1989, he was

promoted as Headmaster and transferred to another School under the same management viz., All Saints High School (now Higher Secondary School),

Muttom, Kanyakumari District where he worked till 05.06.1995. On

05.06.1995, he was transferred to the St. Stanislaus High School (now Higher Secondary School) where he joined duty on 06.06.1995 and he

worked in the said Institute till 03.06.1996. As a petitioner was desirous of doing religious and social service in the Congregation of Brothers of Saint

Gabriel, he voluntarily retired from service with effect on 03.06.1996.



2.2. The petitioner submits that he had in all put in service of 16 years 10 months and 5 days which service period was approved by the Education Department and salary was also paid and the said service was a pensionable one and hence, he was entitled to pension as per the extant rules. The petitioner would submit that though his superannuation occurred on June 2014 he had not immediately applied for pension but had done so on 25.10.2018. He had sent an application through the 6th respondent School to the 5th respondent, District Education Officer, Virudhachalam. However by the impugned proceedings, the 5th respondent refused to consider the proposal stating that according to Service Register, the petitioner was relieved on 03.06.1996 and was not in service on the date of retirement.

2.3 The petitioner would submit that having put in 16 years 10 months and 5 days of approved and pensionable service i.e., from 06.09.1977 to 03.06.1996, the refusal on the part of the 5th respondent is totally erroneous. The petitioner would challenge the said order on the ground that having worked for 16 odd years and having obtained the qualifying service, the order impugned is extensively erroneous. The delay in applying for the pension, cannot be put against the petitioner.



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3. However, the 5th respondent, the District Education Officer has filed counter affidavit admitting the service rendered by the petitioner. The fifth respondent in Paragraph No.4 of the counter would submit that on 08.11.2018, the fifth respondent had sent a reply (impugned order) that since the District Education Officer, Arupukottai, had approved the relieving order of the petitioner on 03.06.1996, the proposal relating to pension, will not be allowed by the fifth respondent and that the petitioner can claim the pension where he joined in the new school (From the above statement, this Court presumes that it is the contention of the fifth respondent that the proposal has to be sent to the District Education Officer Auppukottai). The fifth respondent would further submit that under cover of this letter dated 21.12.2023, the fifth respondent has sent a pension proposal to the second respondent viz., the Principal Accountant General (Civil Audit) by stating that at the time of being relieved, the petitioner was working as a Headmaster in the fifth respondent's School. In response to this letter, the second respondent has sent a reply dated 25.01.2024 stating that as per Rule 12(a) of the Tamil Nadu Non-Government Teachers Pension Rules 1958, a teacher would be eligible for Pension or Gratuity under six circumstances, which are detailed hereunder:



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- i. *On retirement by reason of his attaining the age of superannuation under 9, or on voluntary retirement after completing a qualifying services / age as prescribed.*
- ii. *On discharge due to the abolition of the post, or*
- iii. *On discharge due to closure of schools or consequent on the withdrawal of recognition of schools, or*
- iv. *On discharge due to invalidation on Medical grounds, or*
- v. *On retirement on the date of commencement of the School year just preceding his completion of 55 years or 60 years as the case may be, in order to avoid dislocation in the middle of the school year, or*
- vi. *On discharge due to compulsory retirement as a measure of punishment.*

Therefore it is the contention of the fifth respondent that since the petitioner did not give come under any of the six categories, he is not entitled to pension and prayed that the writ petition be dismissed.

4. Heard the learned counsels on either side and perused the materials on record.



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5. Before proceeding to discuss the issue on hand, it would be apposite to extract the order impugned which reads as under:

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திருப்பியனுப்பப்படுகிறது.

சம்பந்தப்பட்ட ஆசிரியர் 03.06.1996 பிற்பகல் பள்ளியிலிருந்து பணி விடுவிக்கப்பட்டுள்ளமைக்கு அருப்புக்கோட்டை மாவட்டக்கல்வி அலுவலரால் மேலொப்பம் செய்யப்பட்டுள்ளது. எனவே ஓய்வூதியம் இவ்வலுவலகத்தால் அனுமதிக்க இயலாது. புதிய பணியிடத்தில் பணியில் சேர்ந்த பள்ளியிலிருந்து பெற்றுக்கொள்ள தெரிவிக்கப்படுகிறது.

6. Therefore, the petitioner has been asked to obtain pension from the new school from where he has sought to be relieved. Though in the impugned order, the aforesaid reason has been given, however in the counter which has been filed by the fifth respondent, it is stated that the petitioner does not fall under any of the six categories listed under Rule 12(a) of the Tamil Nadu Non-Government Teachers Pension Rules 1958 stated supra. However, it is to be borne in mind that the petitioner has voluntary got himself relieved from service in order to pursue his spiritual interest. This is squarely covered in the first category viz., **On retirement by reason of his attaining the age of superannuation under 9, or on voluntary retirement after completing a qualifying services / age as prescribed.**



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7. That apart the petitioner has attained pensionable service as he has put in a total of 16 years 10 months and 5 days of service. This fact has not been addressed by the respondents and considering the fact that the reason for denying the pension as stated in the counter, are non existent. The petitioner has been working under the same management from the date of entry into service till the date he had voluntarily retired from service.

8. Hence, the impugned order cannot be sustained. The writ petition is therefore allowed as prayed for. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
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