



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06-08-2025

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THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 24909 of 2017

K.Vijaya,
Secondary Grade Teacher,
Ebenezer Aided Middle School, No.25, Chittoor
Road, Katpadi- 632 007

Petitioner(s)

Vs

1.The Government of Tamilnadu,
rep. by its Secretary, School Education
Department, Fort St. George, Chennai-9

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

3. The District Elementary
Education Officer, Vellore District

4. The Manager and Correspondent,
Ebenezer Aided Middle School, No.25,
Chittoor Road, Katpadi 632 007

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka. No.7417/Gee1/2014 dated 02.03.2015 and the cancellation of regularization made w.e.f. 12.8.2002 and quash the same and consequently direct the respondents to restore the petitioner regularization w.e.f. 12.08.2002 (date of initial appointment) in pursuance of the order



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passed by the D.E.E.O. in his proceedings Na.Ka. No.4380/A2/2013 dated 14.12.2012 and to extend the benefit of G.O.Ms.No.413 dated 4.11.2010 based on the regularization of the petitioner with effect from 12.08.2002 and consequently direct the respondents to approve the service of the petitioner from 12.08.2002 (instead of 10.01.2004) for the purpose of pension (under the old pension scheme i.e., before 01.04.2003) with all service and monetary benefits.

For Petitioner : Mr.R.S.Anandan

For Respondents : Ms.P.Rajarajeswari, GA

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka. No.7417/Gee1/2014 dated 02.03.2015 and the cancellation of regularization made w.e.f. 12.8.2002 and quash the same and consequently direct the respondents to restore the petitioner regularization w.e.f. 12.08.2002 (date of initial appointment) in pursuance of the order passed by the D.E.E.O. in his proceedings Na.Ka. No.4380/A2/2013 dated 14.12.2012 and to extend the benefit of G.O.Ms.No.413 dated 4.11.2010 based on the regularization of the petitioner with effect from 12.08.2002 and consequently direct the



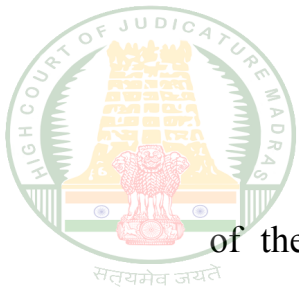
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respondents to approve the service of the petitioner from 12.08.2002 (instead of 10.01.2004) for the purpose of pension (under the old pension scheme i.e., before 01.04.2003) with all service and monetary benefits.

2.The petitioner was appointed as a Secondary Grade Teacher in a sanctioned post as per the Private Schools (Regulation) Act, 1973 on 12.08.2002. The appointment of the petitioner was approved with effect from 10.01.2004. The concerned DEEO has also passed an order on 14.12.2012, regularizing the service of the petitioner with effect from 12.08.2002.

3.The order of regularization dated 14.12.2012 is in pursuance of the G.O.Ms.No.413, dated 04.11.2010. The said Government Order was passed in respect of extension of old pension scheme to the Secondary Grade Teachers.

4.The petitioner, then approached the respondents requesting to settle her pensionary benefits in accordance with the old pension scheme, since her services were regularized from 12.08.2002 onwards. On consideration



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of the representation of the petitioner, the impugned order came to be passed on 02.03.2015, cancelling the order dated 14.12.2012, regularizing the services of the petitioner from 12.08.2002 and the impugned order reads that the petitioner's services can only be regularized from 10.01.2004.

5.The learned Government Advocate appearing for the respondents does not dispute that the order dated 14.12.2012 regularizing the services of the petitioner from 12.08.2002 in pursuant to the G.O.Ms.No.413, dated 04.11.2010. It is not further disputed that before passing the impugned order, the petitioner was not afforded an opportunity of personal hearing. Without the petitioner being heard, the impugned order dated 02.03.2015 was passed.

6. When the order dated 14.12.2012 was passed pursuant to G.O.Ms.No.413, dated 04.11.2010, regularising the services of the petitioner from 12.08.2002, passing the impugned order without giving an opportunity to the petitioner by the 2nd respondent, in the opinion of this Court, amounts to violation of the principles of natural justice.



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7. For the above stated reasons, the impugned order passed by the 2nd respondent in his proceedings in Na.Ka. No.7417/Gee1/2014 dated 02.03.2015 is hereby quashed and the regularization date of the petitioner shall be considered as 12.08.2002 in accordance with the order, dated 14.12.2012 which was passed pursuant to G.O.Ms.No.413, dated 04.11.2010. All the consequential benefits which accrued and payable to the petitioner shall be paid to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is allowed. No costs.

(K. SURENDER,J.)

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Index : Yes/No

Speaking order: Yes/No



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