



W.A(MD) No.338 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.338 of 2023
&
C.M.P.(MD)No.3640 of 2023**

J.Arockia Gracey

... Appellant / Writ Petitioner

Vs

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai-09.
- 2.The Director of School Education,
O/o.the Director of School Education,
DPI Campus, Chennai-06.
- 3.The District Educational Officer,
O/o.the District Educational Officer,
Melur, Madurai.
- 4.The Block Educational Officer,
O/o.the Block Educational Officer,
Madurai West, Madurai.



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5.The Correspondent,
R.C.Middle School,
K.Pudur, Madurai-7.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 19.12.2022 in W.P.(MD)No.8933 of 2020 on the file of this Court and allow the writ appeal.

For Appellants : Mr.S.Xavier Rajini

For Respondent : Mr.C.Venkatesh Kumar
Special Government Pleader
for R1 to R4

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The only question that calls for consideration is whether the appellant should be placed under the old pension scheme or under the new pension scheme.



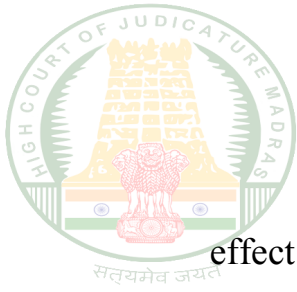
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3. The case of the appellant is that the previous incumbent in the post of secondary grade teacher retired on 10.02.2003 and that the appellant was appointed in her place on 11.02.2003. The new pension scheme came into force on 01.04.2003. The petitioner's request to place her under the old pension scheme was rejected by the Block Educational Officer, Madurai West and the same was put to challenge in W.P. (MD)No.8933 of 2020. The learned single Judge vide order dated 19.12.2022 rejected the writ petition. Challenging the same, this writ appeal came to be filed.

4. The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of appeal. He also relied on the decision of the Hon'ble Division Bench made in W.P.(MD)No.2474 of 2005 dated 23.07.2008.

5. Though the contentions of the learned counsel for the appellant are persuasive, we are not able to accept the same. This is for the simple reason that the order dated 07.06.2004 issued by the District Elementary Educational Officer, Sivagangai approving the appellant's appointment clearly and categorically states that her appointment stood approved with



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effect from 02.06.2003. Copy of the said appointment order has also been enclosed in the typed set of papers. The appellant ought to have questioned the said order. She has not done so. So long as the order approving her appointment with effect from 02.06.2003 is holding good, we cannot countenance the contention that the appellant has to be placed under the old pension scheme.

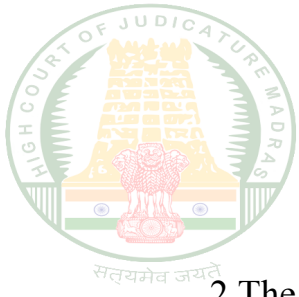
6. In this view of the matter, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
09.06.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

1. The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-09.



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