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W.A.(MD)NO.155 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.A.(MD)No.155 of 2021 AND

C.M.P.(MD)No.490 of 2021

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.

2. The Director of School Education,
College Road,
Chennai – 600 006.

3. The District Educational Officer,
Melur Educational District,
Melur – 625 106,
Madurai District.

... Appellants / Respondents

Vs.

1. P.Rani

... 1st Respondent / Writ petitioner

2. The Correspondent,
Appar High School,
Karuppayurani,
Madurai – 625 020.

... 2nd Respondent / 4th Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent,
to set aside the order dated 07.09.2018 in W.P.(MD)No.15556 of
2012 and allow the writ appeal.



For Appellants : Mr.R.Baskaran,
Additional Advocate General,
assisted by,
Mr.T.Amjad Khan,
Government Advocate.

For R-1 : Mr.K.Ragatheesh Kumar,
for M/s.Isaac Chambers.

* * *

J U D G M E N T

This Intra Court appeal is directed against the order dated 07.09.2018 passed by the learned single Judge allowing W.P.(MD) No.15556 of 2012 filed by the first respondent herein.

2. Vacancy arose in the post of Secondary Grade Teacher in the second respondent school on 05.01.2001. The school management wrote to the department and obtained permission for filling up the said vacancy. The second respondent school is a non-minority institution. The writ petitioner / first respondent herein came to be appointed in the post of Secondary Grade Teacher on 08.08.2002.

3. The school management submitted proposal dated 25.12.2002 to the District Educational Officer, Melur seeking approval of the appointment. The District Educational Officer, Melur



recommended to the Director of School Education that the appointment may be approved as a special case.

4. G.O.(Ms)No.130 School Education Department dated 27.09.2004 was issued granting approval for considering the appointment as one on consolidated basis. The writ petitioner's name figured as serial No.1 in the annexure. The writ petitioner was appointed as Secondary Grade teacher with effect from 08.08.2002. Consequential proceedings dated 22.04.2005 was issued by the District Educational Officer, Madurai granting approval with retrospective effect revoking the appointment of the writ petitioner with effect from 02.06.2003 on consolidated basis. It is also admitted that the writ petitioner was brought under the time scale of pay with effect from 01.06.2006.

5. While so, one Padma Sheela Rani filed W.P.(MD)No.1664 of 2005 and her writ petition was allowed by a learned Judge of this Court vide order dated 02.11.2006. The said order was confirmed by the Hon'ble Division Bench. The case of Padma Sheela Rani appears to be similar. Padma Sheela Rani's appointment was approved and



she was granted time scale of pay with effect from 08.08.2002 (ie) from the date of appointment. Deriving inspiration therefrom, the writ petitioner herein submitted representation to the Department for approving her appointment with effect from 08.08.2002. Her representation dated 09.07.2012 was rejected by the District Educational Officer, Melur vide proceedings dated 27.09.2012. Challenging the same, W.P.(MD)No.15556 of 2012 was filed.

6. The learned single Judge was of the view that the writ petitioner deserves to be granted relief on the same lines as granted in W.P.(MD)No.1664 of 2005 on 02.11.2006. In this view of the matter, the writ petition was allowed. Challenging the same, this writ appeal came to be filed.

7. The learned Additional Advocate General submitted that the impugned order has to be reversed and the writ petition has to be dismissed.

8. Per contra, the learned counsel for the writ petitioner submitted that the learned single Judge rightly approached the issue and interference with the same is not warranted. He pointed out that



10. It is true that vacancy did arise in the post of Secondary Grade Teacher in the year 2001. Permission was granted by the Department. But before the writ petitioner was appointed pursuant to the said permission on 08.08.2002, during the intervening period, a development took place. G.O.Ms.No.79 Department of School Education dated 14.06.2002 had been issued in the meanwhile. As a result of the implementation of the said G.O, any vacancy in the post of Secondary Grade Teacher became automatically upgraded to the post of Middle-Grade Graduate Teacher. A person who is having B.Ed., qualification alone was eligible to be appointed as Middle-Grade Graduate Teacher. Unfortunately, the writ petitioner did not possess the said qualification during the relevant time. Even according to the writ petitioner, she acquired the qualification only in the year 2017.

11. Thus, on the date when the writ petitioner was appointed as Secondary Grade Teacher, she did not fulfil the requirements set out in G.O.(Ms)No.79 Department of School Education dated 14.06.2002. The school management as well as the Department and also the writ petitioner were clearly cognizant of that fact. That is why, when the District Educational Officer, Melur submitted



recommendation in favour of the writ petitioner, he called upon the Director of School Education to view the same as a special case. Be that as it may, in view of the subsequent G.O.Ms.No.100 Education Department dated 27.06.2003, the writ petitioner's appointment came to be approved only on consolidated basis with effect from 27.06.2003. For reasons that are not quite clear, the writ petitioner did not challenge the proceedings dated 22.04.2005 issued by the Chief Educational Officer, Madurai. Subsequently, she was brought into time scale of pay only with effect from 01.06.2006 instead of 08.08.2002. Those proceedings remain unchallenged till date. Only Padma Sheela Rani had challenged. The writ petitioner subsequently woke up and submitted representation to that effect and then filed W.P.(MD)No.15556 of 2012.

12. The learned Additional Advocate General drew our attention to Rule 12(2) of the Tamil Nadu Pension Rules, 1978 which reads as follows:-

“For the purposes of sub-rule (1) the expression “service” means service under the Government and paid by the Government from the Consolidate Fund of the State, or a local fund administered by that Government but does not



include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.”

13. We can make out that the endeavour of the writ petitioner is more to get benefit under the Old Pension Scheme. The petitioner would be entitled to the said benefit only if she had received the salary from out of the Government funds before 01.04.2003. Admittedly, the writ petitioner did not get any salary from out of the Government funds till 01.06.2003. Only from 02.06.2003, she got salary on consolidated basis. Therefore, grant of relief to the writ petitioner would run contrary to Rule 12(2) of the Tamil Nadu Pension Rules. These aspects of the matter mentioned above were not taken note of by the learned single Judge. The order impugned in the writ appeal is set aside. This writ appeal is allowed. No costs.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
2nd December 2025

NCC : Yes / No
Index : Yes / No
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