



W.A(MD)No.1041 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.04.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.1041 of 2020

S.Rengarajan

... Appellant / Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai - 6.

2.The Chief Educational Officer / The Chairman,
School Medical Aid Scheme,
Office of the Chief Educational Officer,
Pudukottai District,
Pudukottai.

3.The Secretary / Headmaster,
School Medical Aid Scheme,
Prahadambal Higher Secondary School,
Pudukottai District.

...Respondents/ Respondents



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Prayer: This Writ Appeal is filed under Clause XV of Letters Patent, to set aside the order passed in W.P.(MD)No.2252 of 2015 dated 31.08.2020 on the file of this Court.

For Appellant : Mr.A.Haja Mohideen

For Respondents : Mr.V.Omprakash – for R1 & R2

Government Advocate

No Appearance – for R3

JUDGMENT

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The appellant was employed as a Van driver by the Chairman, Trichy District Secondary School Medical Aid Scheme Committee, vide proceedings dated 22.07.1971. As per the appointment order, he was promised to be paid allowance and salary as per Government rate. He was in continuous service for more than 26 years. At one point of time, the Committee thought fit that the expenses to



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maintain the van and pay a driver has become very exorbitant and beyond the financial capacity of the School Committee and therefore, they have resolved not to continue the Scheme of Medical Aid to the students. While so, the appellant had filed a writ petition seeking Certiorarified Mandamus to quash the second respondent communication dated 17.09.2010 and to sanction the service benefits.

2. The learned Single Judge after considering the Scheme under which the writ petitioner was appointed and the source for payment of his salary held that the writ petitioner is not paid salary from the Government fund and his appointment is not by the Government. Though the appointment order says that he will be entitled for salary and allowance as per Government rate, since he was appointed by the resolution of the Committee on a particular term, when the Committee has decided to terminate the service for want of funds, such decision of the committee cannot be interfered.

3. From the records, this Court finds that after the resolution of the School Medical Aid Scheme Committee to terminate the service of the writ petitioner, the writ petitioner has approached the authority as



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well as High Court to consider his representation and those writ petitions

were disposed with direction to consider the representation within a specific period. Pursuant to that the impugned order was passed informing the writ petitioner that pursuant to the Committee resolution his appointment by the School Medical Aid Scheme Committee on 22.07.2017 had come to an end from 21.12.1997, and for his 26 years of service he had been paid all his service benefits which is entitled to.

4. The learned Single Judge in his order, dated 31.08.2020, had recorded the reason for dismissal as under :

“6. On perusal of the documents available on records, it is seen that the School Medical Inspection Scheme Employees were eligible only for duty period salaries. The petitioner was not paid salary from the Government fund for his driver duty period and he was employed only in the Secondary School Medical Inspection Scheme. Further he was paid duty period salaries from the Medical Inspection Scheme fund collected from school children as Special fees. Since the petitioner's salary is not paid from the Government fund if at all he is entitled to the salary only for duty period.”



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5. This Court finds that though in the *intra* Court appeal it is

stated that he was not paid the contributory provident fund and other retirement benefits and made his own calculation payable to him, the appointment order only ensures salary and allowance as per the Government rate and not any pensionary benefits. The Government Order in G.O.(Ms)No.315 dated 04.03.1968 which is the foundation for the Scheme also makes it clear that no expenditure shall be incurred from the State funds on the Scheme for any purpose whatsoever. The Rules framed for effective implementation of the Scheme also clearly indicates that the finance for the Scheme shall be from the special fees collected for Medical Inspection and other source if any including aid received from Charities and Institutions.

6. While so, the appellant having joined his service knowing well that it is an appointment by a Committee and not by the Government except equivalency of pay to that of a Government servant he has no statutory right to seek any other benefits other than what provided under the Scheme. Therefore, the learned Single Judge has rightly dismissed the writ petition assigning the reason which need to be confirmed.



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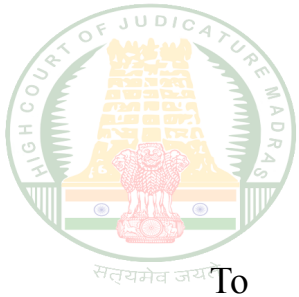
7. Accordingly, this Writ Appeal stands dismissed. No

costs.

[G.J., J.] [R.P., J.]
24.04.2025

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

RM



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RM

Judgment made in
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24.04.2025