



W.P.(MD)No.18340 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18340 of 2025

A.Saraswathi

... Petitioner

-VS-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St. George, Chennai – 09.

2.The Director of Primary Education,
College Road, Chennai – 06.

3.The District Educational Officer,
Dindigul, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e.from 01.10.1986 to 01.06.1997 along with the regular service for the pension benefits *i.e.*, for the period of 18 years 7 months 00 days, based on the common judgment passed by the Hon'ble Division Bench in W.A.(MD)Nos.347 and 526 of 2020 dated 20.04.2023.

For Petitioner

: Mr.R.Saravanan



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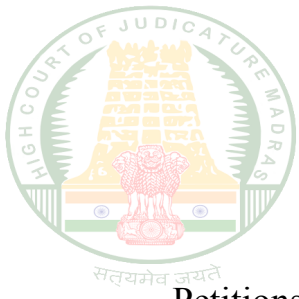
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to take into account 50% of the part-time service rendered by the petitioner, *i.e.*, from 01.10.1986 to 01.06.1997, along with the regular service, for the purpose of pensionary benefits, totalling a qualifying service of 18 years, 7 months and 0 days, based on the common judgment passed by the Hon'ble Division Bench of this Court in W.A.(MD) Nos.347 and 526 of 2020, dated 20.04.2023.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioner, the issue involved in the writ petition is already settled by this Court in a batch of Writ Petitions in W.P.(MD)No.9721 of 2020 etc. batch, which were allowed by order dated 01.09.2020. Subsequently, the Hon'ble Division Bench of this Court, by a common judgment dated 20.04.2023 in W.A.(MD)No.347 of 2020 etc. batch and Review Application (MD)No.39 of 2022 etc. batch, dismissed all the Writ Appeals and Review



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Petitions filed by the Government, thereby affirming the said orders. Pursuant thereto, the Government issued G.O.(Ms)No.127, Education Department, dated 12.07.2023, extending the benefit of counting 50% of part-time service towards pension beyond the earlier cut-off date of 06.04.2018. As the petitioner's case is similarly situated and the issue is squarely covered by the above decisions and Government Order, the petitioner is also entitled to the same benefits. Hence, the present Writ Petition is filed.

4. Heard both sides.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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6. In the light of the above observations, there shall be a direction to the second respondent to consider the representation of the petitioner, dated 07.05.2025, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

07.07.2025

To:-

- 1.The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai – 09.
- 2.The Director of Primary Education,
College Road, Chennai – 06.
- 3.The District Educational Officer,
Dindigul, Dindigul.



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VIVEK KUMAR SINGH, J.

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