



WP(MD)No.23951 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 14.10.2025	PRONOUNCED ON 24.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.23951 of 2025

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... Petitioner

/vs./

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

2.The Chief Educational Officer,
Thoothukudi – 628 002.

3.The Headmistress/Principal
Government Higher Secondary School,
Pasuvanthanai,
Thoothukudi District – 628 718.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 2 & 3 sanction and disburse to the petitioner the terminal benefits of Late P.Arulmalai, Graduate Teacher by considering his representation, dated 24.06.2025 in the light of the orders dated 17.12.2024 in LR.OP.No.30 of 2023 on the file of the Principal District Judge, Thoothukudi within the time frame stipulated.



WP(MD)No.23951 of 2025

For Petitioner : Mr.G.Mohan Kumar

WEB COPY For Respondents : Mr.N.Satheesh Kumar AGP

ORDER

This Writ Petition had been filed to direct the respondents 2 & 3 sanction and disburse to the petitioner the terminal benefits of Late P.Arulmalai, Graduate Teacher by considering his representation, dated 24.06.2025 in the light of the orders dated 17.12.2024 in LR.OP.No.30 of 2023 on the file of the Principal District Judge, Thoothukudi within the time frame stipulated.

2. Heard Mr.G.Mohan Kumar, learned counsel appearing for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that one Arulmalar has been working as Graduate Teacher in the third respondent School, had died in harness on 13.08.2020. It is the case of the petitioner that the petitioner had been taking care of the said deceased Teacher. He would further submit that the said deceased Teacher was married to one Antony Rayappan in the year 1998 and their marriage was also dissolved by a decree in ID.O.P.No.39 of



WP(MD)No.23951 of 2025

2006 as early as on 22.01.2007 by a decree of divorce of the Principal District Judge, Thoothukudi. The deceased Teacher's parents had predeceased her and she do not have cordial relationship with her siblings. Before her death, the deceased Teacher executed a Will bequeathing all her properties including the terminal benefits in favour of the petitioner. The petitioner had also instituted LROP.No. 30 of 2023 on the file of the Principal District Judge, Thoothukudi for probate of the Will and grant of a certificate of Letters of Administration, which was also ordered on 17.12.2024.

4. Thereafter, the petitioner had made an application to the respondent seeking to sanction and disburse the terminal benefits of the deceased teacher also by enclosing the copy of the order made in his favour. However, by communication dated 16.05.2025, the third respondent had called upon the petitioner to produce the proof of a certificate that the petitioner is the husband of the deceased teacher as in the service records of the deceased teacher, the petitioner has been shown to be her husband. The petitioner again on 26.05.2025, reiterating the orders in the testamentary O.P., had called upon them to disburse the terminal benefits. By a further communication dated 02.06.2025, claiming that the petitioner had been only shown as a Guardian and had again intimated the



WP(MD)No.23951 of 2025

petitioner to produce the proof of the petitioner being the husband of the deceased teacher. Thereafter, the petitioner again had made a representation on 24.06.2025, which had evoked, no response. Hence, the petitioner had approached this Court by way of this Writ Petition.

5. Countering his arguments, the learned Additional Government Pleader would submit that since the service records of the deceased Teacher indicates that the petitioner is the husband of the deceased teacher, the petitioner had been called upon to produce documents substantiate that he is the husband of the deceased teacher. Even in the Writ Petition, the petitioner had not made any such averments, but relies upon an order in LR.O.P.No.30 of 2023. He would submit that if the petitioner produces the relevant documents to make his claim, the petitioner would be granted all the terminal benefits, if he is found eligible. Hence, he would submit that no such mandamus need be granted by this Court as prayed for by the petitioner.

6. I have considered the submissions made by the learned counsel appearing on either side and perused the materials placed on record.



WP(MD)No.23951 of 2025

7. The petitioner herein claims that the terminal benefits of the deceased teacher has been bequeathed upon him based upon a Will that had been executed by her. The petitioner had filed an application under Sections 232 and 276 of the Indian Succession Act for grant of probate of the Will executed by the deceased teacher and to grant Letters of Administration in respect of the Will schedule property in L.R.O.P.No.30 of 2023 on the file of the Principal District Judge Thoothukudi. In the said petition, by order dated 17.12.2024, the Court holding that the petitioner had proved the Will in the manner known to law, had also directed to grant of Certificate of Letters of Administration in respect of the properties mentioned in the Will. The second item to the schedule of the certificate would indicate that the same relates to the terminal benefits of the deceased teacher. Even taking the claim of the respondents that the name of the petitioner had been shown as husband, even assuming that the petitioner is not a husband based upon the Will executed by the deceased teacher of which the Letters of Administration had been granted to by a competent Court, it is imperative that the respondents abide by the certificate of Letters of Administration in respect of the terminal benefits, which is also covered under the said Will.



WP(MD)No.23951 of 2025

WEB COPY 8. For the aforesaid reasons, this Court is inclined to allow the Writ Petition and direct the second respondent to consider the petitioner's representation, dated 24.06.2025 for disbursing the terminal benefits of late P.Arulmalar, Graduate Teacher in the light of the certificate of Letters of Administration, dated 17.12.2024, granted in L.R.O.P.No.30 of 2023, of the Principal District Judge, Thoothukudi. Such exercise shall be carried out by the second respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

24.11.2025

Index : Yes / No
Internet : Yes / No
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WP(MD)No.23951 of 2025

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WP(MD)No.23951 of 2025

K.KUMARESH BABU, J.

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Order made in
W.P.(MD)No.23951 of 2025

24.11.2025