



WP(MD)No.23993 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 22.10.2025	PRONOUNCED ON 24.11.2025
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CORAM:

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

W.P.(MD)No.23993 of 2025

V.Rajasugumar

... Petitioner

/vs./

- 1.The Secretary to the Government,
School Education Department,
Fort St., George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006
- 3.The Accountant General,
DMS Campus, Teynampet,
Chennai – 600 018.
- 4.The District Educational Officer (Primary)
District Educational Office,
Old District Collector office Campus,
Thanjavur.
- 5.The Block Educational Officer,
Block Educational office,
Near Native Higher Secondary School,
Kumbakonam,
Thanjavur District.



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6.The Secretary,
Somasundaram Aided Elementary School,
Pazhani Andavar Street,
Gandhi Adigal Salai,
Kumbakonam, Thanjavur District – 612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to transfer the petitioner name from Contributory Pension Scheme to Old Pension Scheme, prevailed prior to implementation of Contributory Pension Scheme based on the petitioner's representation dated 01.04.2025.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.N.Satheesh Kumar AGP for RR1, 2, 4 & 5

Ms.S.Mahalakshmi
Standing counsel for R3

ORDER

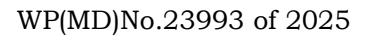
This Writ Petition had been filed to direct the respondents to transfer the petitioner name from Contributory Pension Scheme to Old Pension Scheme, prevailed prior to implementation of Contributory Pension Scheme based on the petitioner's representation dated 01.04.2025.



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2. Heard Mr.V.Sasikumar, learned counsel appearing for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1, 2, 4 & 5 and Ms.S.Mahalakshmi, learned Standing counsel appearing for the 3rd respondent.

3. The learned counsel appearing for the petitioner would submit that in a vacancy that arose due to voluntary retirement of an incumbent in the 6th respondent School, the petitioner was appointed on 11.04.2003. He would submit that the process of appointment began on 14.01.2003, when a request to fill up the Secondary Grade Teacher in the respondent School was forwarded by the Assistant Elementary Educational Officer, Kumbakonam to the District Educational Officer concerned. The District Educational Officer by its proceedings dated 28.03.2003, granted permission to the 6th respondent school to fill up the Secondary Grade Teacher post. Based upon which, the 6th respondent had written a letter to the District Employment Officer, Thanjavur, on 31.03.2003, sponsoring of names to the post of Secondary Grade Teacher. Upon the four candidates sponsored, interview was also conducted on 05.04.2003, in which no candidates were selected and again a request for further list was made by the 6th respondent on 05.04.2003. In response to the request, a list containing 16 names



4. He would further submit that the petitioner had a legitimate expectation, he would be placed under the Pension Scheme that was prevailing at that point of time, but however, the Government had issued a Government Order in G.O.Ms.No.259, dated 06.08.2003, canceling the Pension Scheme at that point of time and introducing a New Pension Scheme, by giving a retrospective effect from 01.04.2003. As the petitioner had been placed under the New Pension Scheme namely, the Contributory Pension Scheme (CPS), he had made a representation on 01.04.2025 seeking to transfer his name from the CPS to the Old Pension Scheme, as the process of appointment had it been initiated much before the cut off date of 01.04.2003.

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this Court with the present Writ Petition to direct the respondents to transfer the petitioner's name from CPS to the Old Pension Scheme.

6. Countering his arguments, the learned Additional Government Pleader appearing for the respondents 1,2, 4 & 5 would submit that the process of selection of the petitioner even though had started prior to 01.04.2003, the petitioner's name was sponsored by the Employment Exchange only on 07.04.2003 and appointed on 11.04.2003. Hence, the petitioner claim that the process in its entirety for the post began before 01.04.2003, cannot enure to the benefit of the petitioner. He would further submit that the petitioner had been placed under the CPS and he had not raised any claim for past 22 years and only after the orders that had been relied upon by him had been passed, he had approached the authority. Hence, the petitioner can only be termed as a fence sitter and for that reason also, the claim of the petitioner should not be entertained by this Court. He would also distinguish the judgments relied upon by the petitioner and contend that in those cases, the petitioners therein were originally placed under the Old Pension Scheme and thereafter they were sought to be placed under the CPS.



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7. He would further submit that the petitioners therein were called for interview even before the cut off date namely 01.04.2003 and therefore, the judgments relied upon by the petitioner cannot be made applicable to the facts of this case. Hence, he prays this Court to dismiss the Writ Petition.

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

9. Admittedly, the petitioner was called for an interview after 01.04.2003 and was given an order of appointment on 11.04.2003. After the appointment of the petitioner, the petitioner had been placed under the CPS which he now seeks to be transferred to the Old Pension Scheme. It is also not disputed that the Government Order, which introduced the New Pension Scheme, was issued in the month of August 2003 with retrospective effect from 01.04.2003 and the said Government Order had been upheld by the Division Bench of this Court.

10. As rightly pointed out by the learned Additional Government Pleader that the petitioners in the judgments relied upon by the learned counsel for the petitioner were called for an interview prior to 01.04.2003 and was granted an



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order of appointment after the cut off date. However, in the present case, the petitioner name itself had been sponsored after 01.04.2003 i.e., on 07.04.2003 even as admitted by the petitioner in his affidavit filed in support of the Writ Petition. That apart, having contributed to the New Pension Scheme for almost 22 years, the petitioner had initially made a representation, on 01.08.2023 i.e., after the order dated 11.07.2023 made in W.P.No.8055 of 2015 and thereafter forwarded a further representation on 01.04.2025. A perusal of the representation would also indicate that the petitioner wanted a transfer from the CPS to Old Pension Scheme.

11. As rightly pointed out by the learned Additional Government Pleader that the petitioners in those Writ Petitions relied upon by the petitioner, were all originally placed under the Old Pension Scheme and thereafter was sought to be placed under CPS. Hence, judgments relied upon by the petitioner cannot be made applicable to the present Writ Petition. That apart petitioner having been contributed only under CPS from the date of his appointment, the petitioner now after 22 years cannot turn around and seek to be transferred to the Old Pension Scheme.



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12. For the aforesaid reasons, this Court is not inclined to issue a

Mandamus as prayed for and accordingly, the Writ Petition is dismissed.

However, there shall be no order as to costs.

24 .11.2025

Index : Yes / No

Internet : Yes / No

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K.KUMARESH BABU, J.

Pbn

Order made in
W.P.(MD)No.23993 of 2025

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