



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD)Nos.26092, 26970, 28684, 28724,
29145, 29274, 29787 and 30670 of 2025**

W.P.(MD)No.26092 of 2025:

J.Beula Mercy

...Petitioner

Vs

- 1.The Principal Secretary to the Government,
Department of School Education,
Fort St.George,
Chennai-9.
- 2.The Director of School Education,
O/o.The Director of School Education,
DPI, Campus, College Road,
Chennai-6.
- 3.The Joint Director of School Education (Higher Secondary),
O/o.The Joint Director of School Education,
Dpi Campus,
College Road,
Chennai-6.
- 4.The Principal Accountant General (A& E),
O/o.The Principal Accountant General (A&E),
361, Anna Salai,
Chennai-600 018.



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5.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Madurai District.

6.The Correspondent,
Capron Hall Girls Higher Secondary School,
Madurai-625016. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to include the 50% of the service rendered by the petitioner in the post of Part Time Vocational Instructor (Computer Science) Consolidated pay from 29.06.1995 to 05.11.1996 along with regular service for the purpose of calculation of qualifying service for pension and disburse the monetary benefits along with arrears and other consequential benefits to the petitioner by considering the representation of the petitioner dated 03.09.2025 within the time period stipulated by this Court.

For Petitioner : M/s.Anusha
For R1, R2, R3 and R5 : Mr.N.Satheeshkumar
Additional Government Pleader
For R4 : Mr.P.Gunasekaran

COMMON ORDER

The issue that has arisen in these writ petitions is whether the petitioners are entitled to have 50% of the service rendered by them as Part-Time Vocational Instructors counted for the purpose of computing pension and other retirement benefits.



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2. It is not in dispute that the petitioners were initially appointed as

Part-Time Instructors and that their services also been regularized.

According to the petitioners, the issue is no longer *res integra*. The Honourable Division Bench of this Court in W.A(MD).No. 882 of 2017 and etc., batch by order dated 06.04.2018 had held that 50% of the service rendered as Part -Time Vocational Instructors should be counted for the purpose of computing the pension and other retirement benefits. However, the Division Bench extended the benefits only to those persons who had approached this Court, thereby denying the said benefit to other persons who had not approached this Court.

3. A Division Bench of this Court in W.A(MD).No.2133 of 2019 etc batch had held that restricting the benefit only to those petitioners who had approached this Court prior to 06.04.2018 and denying the same to the appellants/petitioners therein, who are similarly placed, is unreasonable, arbitrary, and violative of Article 14 of the Constitution of India. Consequently, individuals who had not approached this Court prior to 06.04.2018 were also held entitled to the benefit of counting 50% of their service rendered as Part-Time Vocational Instructors.



Therefore, it is a claim that the petitioners who are also similarly placed are entitled to count of 50% of the part time service to be taken for computation of their pensionary benefits.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents 1, 2, 3 and 4 relying upon the judgment of this Court made in W.A(MD).No1069 of 2019 dated 08.06.2023 would vehemently contend that the petitioners herein cannot be granted with a relief, as their Writ Petitions are hit by delay and laches. He would submit that the Honourable Division Bench of this Court, in the said case, had rejected the claim of the appellant therein for retrospective absorption as full time craft teacher from the date of their initial appointment, solely on the ground that the appellant therein had knocked the doors of this Court, at a belated stage. Hence, he request this Court to dismiss all these writ petitions by applying the principles laid down in the aforesaid judgment.

5. Even though the submission of the learned Additional Government Pleader, seeking dismissal of these petitions on the ground of delay and laches, is attractive, it is to be noted that in similar



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circumstances, this Court has held that denying the benefit extended by the Honourable Division Bench of this Court to persons who had not approached the Court before the order was passed, namely 06.04.2018 would be unreasonable, arbitrary, and violative of Article 14 of the Constitution of India. When that be so, the reliance placed upon the judgment of the Honourable Division Bench by the learned Additional Government Pleader cannot be applied to the facts of these cases, as it is further made on different set of facts.

6. As noted supra, the Honourable Division Bench of this Court in W.A(MD).No.2133 of 2019 and etc., batch dated 03.03.2023 had categorically held that similarly placed persons would be entitled to count their 50% of the part time Vocational Instructor service for computing the pensionary beneficiary benefits. Applying the principles of Article 14 of the Constitution of India, this Court is of the view that the petitioners herein are also entitled to have 50% of their service as Part-Time Vocational Instructors counted for the purpose of computing their pensionary benefits.

7. It is further to be noted that a Division Bench of this Court in W.A.(MD).Nos.347 of 2020 etc., batch, relying upon a Full Bench



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decision of this Court reported in **(2019) 6 CTC 705** has extended such benefits to similarly placed persons.

8. In view of above, these writ petitions are allowed and the respective respondents are directed to fix the petitioners pensionary benefits by counting 50% of their service for computing the pensionary benefits and disburse the same and also refix their pensionary benefits and pay the pensionary benefits within a period of 12 weeks from the date of receipt of a copy of this order and also pay the arrears if any within a period of six weeks from the date of receipt of a copy of this order. No Costs.

04.11.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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Note: Registry is directed to incorporate full cause title while issuing this order.



To:

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K.KUMARESH BABU, J.

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