



WEB COPY

WP No. 9249 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 9249 of 2024

G.Shaik Meeran
S/o. H.Gaffoor,
No. 5, Mosque Lane Street,
Arakkonam 631 001
Ranipet District

..Petitioner(s)

Vs

1. The Principal Secretary To Government
Higher Education Department,
Secretariat, Fort St. George, Chennai 009.
2. The Director
Directorate Of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai 006.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the proceedings of the 2nd respondent dated 23.01.2024 in Na.Ka.No. 040166/ D2/ 2022 confirming the Letter of the 1st respondent dated 25.10.2023 in No. 386/ F1/ 2023-4 addressed to the 2nd respondent quash the same and consequentially direct the 2nd respondent to revise the petitioners pension and service benefits by including his service period as a Tamil Teacher at Ravlathul Jannah Oriental (Arabic) High School, Ulundurpet, Villupuram district from 1.06.1992 to 17.11.1996 and as a Lecturer in Tamil at C.Abdul Hakeem College , Melvisharam, Ranipet district from 18.11.1996 to 3.04.1997 in the regular vacancy.



For Petitioner(s):

Ms.A.B.Fathima Sulthana

For Respondent(s):

Mr.M.R.Gokul Krishnan, AGP

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ORDER

The petitioner is seeking to quash the proceedings of the 2nd respondent dated 23.01.2024 in Na.Ka.No. 040166/ D2/ 2022 confirming the Letter of the 1st respondent dated 25.10.2023 and direct the 2nd respondent to revise the petitioner's pension and service benefits by including his service period as a Tamil Teacher at Ravlathul Jannah Oriental (Arabic) High School, Ulundurpet, Villupuram district from 1.06.1992 to 17.11.1996 and as a Lecturer in Tamil at C.Abdul Hakeem College, Melvisharam, Ranipet District from 18.11.1996 to 3.04.1997 in the regular vacancy.

2. The sum and substance of the petitioner's case is that he had joined the services of the aforesaid school as a Tamil Teacher from 01.06.1992 to 17.11.1996. Thereafter, he resigned from the school and joined the C.Abdul Hakeem College, Melvisharam, Ranipet District from 18.11.1993 to 03.04.1997 in the regular vacancy. The said two institutions are Government Aided Educational Institutions. Thereafter, the petitioner resigned from the aforesaid College and joined the government service on 04.04.1997 as Assistant Professor at Presidency College (Autonomous), Chennai, from where he had retired as Associate Professor on 21.06.2022. The petitioner would submit that while



working his retirement benefits, his qualifying service as teacher and lecturer in the aforesaid government aided institutions from the period 01.06.1992 till 03.04.1997 has not been taken into consideration. The first respondent *vide* letter dated 25.10.2023 addressed to the second respondent stated that the service of the petitioner at both the institutions had not satisfied Rule 23 of the Tamil Nadu Pension Rules, 1978.

3. The petitioner would submit that while passing such order, the first respondent had failed to appreciate that the two institutions were private independent institutions availing government aid and the petitioner cannot seek transfer, but, have to necessarily resign and join the other institution. Therefore, the impugned order is arbitrary and has to be set aside.

4. The second respondent has filed a counter affidavit *inter alia* contending for self and the first respondent, denying the claim of the petitioner and stating that the school and the college were aided institutions getting a grants from the Government of Tamil Nadu. The petitioner had joined in government service only on 04.04.1997 as Assistant Professor of Tamil at Presidency College (Autonomous), Chennai, and later, retired from service as Associate Professor of Tamil on 21.06.2022. The respondents would submit that since the petitioner had not satisfied the ingredients of the Rule 23 of the Tamil Nadu Pension Rules, 1978, his request has been turned down and therefore, they



sought for the dismissal of the writ petition.

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5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the petitioner was originally employed in the private institutions getting government aid and the petitioner had resigned the said posts and thereafter, joined the services of the Presidency College (Autonomous), Chennai. Rule 23 of the Tamil Nadu Pension Rules, 1978, would read as follows:

*“23: Forfeiture of Service on resignation:- (1)
Resignation from a service or post entails forfeiture of part service:*

(i) Provided that a resignation shall not entail forfeiture of part service, if it has been submitted to take up with proper permission, another appointment whether temporary or permanent, under the Government where Service Qualifies.”

Therefore, a mere reading of the rule would clearly show that the petitioner is not entitled to get pensionary benefits for his service in the government aided institutions. This being the rule, the petitioner cannot seek to consider the said period for his pensionary benefits. Therefore, I do not see any reason to interfere with the impugned order.



Accordingly, this writ petition stands dismissed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssa

To

1.The Principal Secretary To Government
Higher Education Department,
Secretariat, Fort St. George, Chennai 009.

2.The Director
Directorate Of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai 006.



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P.T.ASHA, J.

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