



WP No. 42474 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 42474 of 2016

and

WMP Nos.36366 & 36367 of 2016

T.Mercy

Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai 600 009.

2.The Principal Accountant General (Civil Audit)
Tamil Nadu and Puducherry
Lekha Pariksha Bhavan,
No.361 Anna Salai, Teynampet, Chennai 600
012.

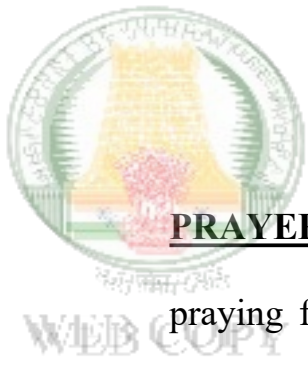
3.The Director of School Education
College Road, Chennai 600 006.

4.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

5.The District Educational Officer,
Tirunelveli District, Tirunelveli.

6.The Correspondent,
Child Jesus Girls Hr. Secondary School,
Palayamkottai 627 002.

Respondent(s)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned letters of the District Educational Officer in Na.Ka.No.8901/A4/2013 dated 04.01.2014 and Na.Ka.No.2125/A4/2014 dated 09.06.2014, quash the same and further direct the 5th Respondent District Educational Officer to forward the pension proposal of the petitioner forthwith to the 2nd Respondents for the purpose of release of pension to the petitioner for the services she has rendered as teacher from 1975 to 1998.

For Petitioner: M/s.I.Abisha Isaac
for M/s.P.Godson Swaminath

For Respondents: Ms.P.Rajarajeswari
Government Advocate

ORDER

The present Writ Petition challenges the impugned proceedings of the District Educational Officer bearing Na.Ka.No.8901/A4/2013 dated 04.01.2014 and Na.Ka.No.2125/A4/2014 dated 09.06.2014. The petitioner also seeks a consequential direction to the fifth respondent / District Educational Officer to forward the petitioner's pension proposal to the second respondent for the purpose of sanctioning and disbursing pension in respect of the services rendered by the petitioner as a teacher from the year 1975 to 1998.

2. The petitioner had rendered about sixteen years of service and was



relieved from service in the year 1998 upon tendering resignation. Thereafter, in the year 2012, the petitioner made a claim seeking grant of pension and other pensionary benefits. The issue that arises for consideration is whether a person who has tendered resignation from service, which has been accepted by the competent authority, would be entitled to pension and other pensionary benefits.

3. Heard the submissions of the learned counsel appearing on either side. The materials placed on record have also been carefully considered.

4. On examining the Full Bench decision of this Court dated 03.02.2026 in W.P.No.39583 of 2015, it is evident that the Full Bench has categorically held that resignation from service entails forfeiture of past service. The Full Bench further held that there is a clear distinction between resignation and voluntary retirement, and that both operate in different spheres with distinct legal consequences. Therefore, resignation cannot be equated with voluntary retirement. The Full Bench has also clarified that even resignation tendered on medical grounds cannot be treated differently from resignation contemplated under Rule 23 of the Tamil Nadu Pension Rules, 1978, which, in its plain meaning, results in forfeiture of past service.

5. In the light of the legal principles laid down by the Full Bench of this



Court, the petitioner, having resigned from service, is not entitled to claim pension or other pensionary benefits. Accordingly, the Writ Petition stands dismissed. However, liberty is granted to the petitioner to challenge the validity of the said Rules, if so advised. No costs. Consequently, the connected Miscellaneous Petitions are closed.

26-02-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai 600 009.

2. The Principal Accountant General (Civil Audit)
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HEMANT CHANDANGOUDAR J.
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