



WEB COPY

WP No. 9400 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

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

WP No. 9400 of 2026

C.Kavitha
W/o. Saravanan,
Pillayarkoil Street,
Valayamadevi, Chidambaram Taluk,
Cuddalore District.

..Petitioner(s)

Vs

1. The Government Of Tamilnadu
Rep. by its Secretary School,
Education Department,
Fort St. George, Chennai-600 009
2. The Director of School Education
College Road, Chennai-600 006
3. The District Educational Officer
Cuddalore District, Cuddalore.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the 2nd Respondent to compute /count the service of the petitioner as secondary Grade Teacher from 19.03.1999 to 31.05.2002 for pension benefits as claimed by the petitioner in her representation dated 20.06.2019.

For Petitioner(s): Ms.P. Mahalakshmi

For Respondent(s): Mrs.Mythreye Chandru, SGP



ORDER

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The writ petition has been filed for the following relief:

“directing the 2nd Respondent to compute /count the service of the petitioner as secondary Grade Teacher from 19.03.1999 to 31.05.2002 for pension benefits as claimed by the petitioner in her representation dated 20.06.2019.”

2. It is the case of the petitioner that she has passed B.Sc., (Chemistry) and B.Ed degrees and got appointed as Secondary Grade Assistant at Vallalar High School, Valayamadevi in a sanctioned post on 19.03.1999. Though the petitioner's appointment was approved by the competent authority, she was not paid the time scale of pay on account of the issuance of the government order in GO.Ms.No.559, Education Department dated 11.07.1995. The petitioner and others had challenged the said government order and thereafter, the government order in G.O.Ms.No.155, School Education (2) Department, dated 03.10.2002, was issued.

2.1. Thereafter, by a government order in G.O.Ms.No.79 dated 16.06.2002, the first respondent had directed that from the date of the said order ie., year 2002-2003, vacancy of Secondary Grade Teachers arising in VI to X grades has to be upgraded as Middle Graduate Teacher post for the purpose of



handling English. This was challenged by the school management by filing a writ petition in W.P.No.26483 of 2005 before this Court, claiming the salary from the petitioner who has passed B.Sc., and B.Ed., in Secondary Grade vacancy from 19.03.1999 which had been approved by the 3rd respondent by an order dated 06.10.1999. The said writ petition was allowed and the respondents were directed to approve the appointment as the Middle Graduate Teacher (Science) with effect from 01.06.2022 with all service and monetary benefits.

2.2. The petitioner would submit that the respondents were not considering her service period from 19.03.1999 till 30.05.2002 for regularization for the purpose of pension benefits. The petitioner would submit that this period has to be counted for pension purposes and she had therefore, sent request to the respondents for regularization which has not been considered and therefore, she had come forward with the present writ petition.

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

4. A perusal of the order in W.P.No.26483 of 2005 would show that this Court had taken into account the fact that the petitioner had been appointed in the vacant Secondary Grade Teacher post after getting due permission on 19.03.1999 and she continued in the same post till the post was upgraded by



virtue of G.O.Ms.No.79, School Education Department, dated 16.06.2002.

Therefore, upgradation has to be approved in the light of G.O.Ms.No.79, *supra*, from the date of the issue of the government order. This request was turned down by the respondents and this Court in W.P.No.26483 of 2005 had allowed the writ petition and directed the third respondent therein to approve the petitioner herein who was arrayed as the 4th respondent therein with effect from 01.06.2002 with all service and monetary benefits. The petitioner had been appointed as Secondary Grade Assistant in a sanctioned post and the respondents has also approved the appointment.

5. Therefore, the respondents cannot deny the petitioner's request to count as Secondary Grade Teacher from 19.03.1999 to 31.05.2002 for the purpose of calculation pension benefits. Accordingly, the respondents are directed to consider the petitioner's representation dated 20.06.2019 and pass orders within a period of two months from the date of receipt of a copy of this order.

With the above directions, the writ petition is allowed as prayed for. No costs.

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssa



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P.T.ASHA, J.

ssa

To

1.The Secretary School,
The Government Of Tamilnadu
Education Department,
Fort St. George, Chennai-600 009

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

3.The District Educational Officer
Cuddalore District, Cuddalore.

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