



W.P(MD) No.5818 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.03.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) No.5818 of 2026

I.Saral

... Petitioner

Vs.

- 1.The Account General,
Office of Accountant General
361, Annasalai, Chennai.
- 2.The Chief Educational Officer
Tenkasi,
Tenkasi District.
- 3.The District Educational Officer
Tenkasi,
Tenkasi District.



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4.The Secretary

Rukmani High School

Mangalapuram

Kadayanallur,

Tenkasi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to calling for the records in relating to the impugned order of the 1st respondent in No.E22/12231177/1/R2231177 dated: 24.03.2025 in so far as calculating the pension for 24 years 1 month 0 days of service as illegal and quash the same and consequently direct the respondent to revise the pension pay by taking the qualifying service as 32 years 0 months 0 days instead of 24 years 1 months 0 days and disburse arrears and all other monetary benefits.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mrs.S.Mahalakshmi – for R1

Mr.N.Satheesh Kumar – for R2 & R3

Additional Government Pleader

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to call for the records relating to the impugned



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order of the 1st respondent in No.E22/12231177/1/R2231177 dated 24.03.2025 in so far as calculating the pension only for 24 years 1 month 0 days of service as illegal and quash the same and consequently direct the respondents to revise the pension pay by taking the qualifying service as 32 years 0 months 0 days instead of 24 years 1 months 0 days and disburse arrears and all other monetary benefits.

2. The petitioner herein was initially appointed as Secondary Grade Teacher on 03.06.1996 and her appointment was also approved through proceedings dated 31.07.1996 issued by the 3rd respondent and finally, the petitioner retired from service on attaining the age of superannuation on 30.09.2024 as Middle School headmistress. While so, there was a dispute with regard to the validity of the appointment order of the petitioner to the post of Secondary Grade Teacher for want of possessing the necessary qualifications and the said issue being the subject matter of litigation before this Court. Ultimately resulting in Government Order in G.O.(Ms)No.155 dated 03.10.2002, whereby permitting all the Secondary Grade Teachers who are appointed without



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requisite qualification to continue in service subject to completing Child Psychology Training course and to regularize their services from the date on which they completed the said course.

3. The said Government Order in G.O.(Ms)No.155, dated 03.10.2002 is again subject matter of challenge before this Court in W.A. (MD)Nos.249 of 2002 and batch and the Division Bench of this Court by order dated 02.04.2004, upheld the said Government Order. However, observed that the past service rendered by the Secondary Grade Teachers, i.e., prior to completing the training in Child Psychology shall be counted for pension.

4. In the light of the said observation made by the Division Bench, the petitioner herein claims that the service rendered by the petitioner herein from 03.06.1996 till 31.05.2003, i.e., till the date on which petitioner completed the training in Child Psychology course, is also required to be counted for the purpose of pensionary benefits, but the impugned order came to be issued by the respondent No.1 without



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taking into consideration the said service rendered by the petitioner prior to completing Child Psychology Training course.

5. The respondent No.3 filed a counter affidavit contending that the petitioner is not entitled for counting the said service in terms of G.O.(Ms) No.155 dated 03.10.2002.

6. This Court has carefully considered the contentions raised by Mr.S.Chellapandian, learned counsel for the petitioner as well as Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for respondent No.2 & 3 and Mrs.S.Mahalakshmi, learned counsel appearing for respondent No.1.

7. From the perusal of the material on record, it is evident that the order passed by Division Bench of this Court in W.A.(MD) No.249 of 2002 and batch dated 02.04.2004 has attained finality and following the said order, various Co-ordinate Benches of this Court have been extending the benefit of counting the past service, i.e., the service



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rendered prior to completing the Child Psychology Training Course for the purpose of pensionary benefits alone.

8. In one such order in W.P.(MD)No.4968 of 2024 dated 13.11.2024 and the said order is also appealed against by the State and the same as confirmed by the Division Bench of this Court in W.A.(MD) No.248 of 2026 and the petitioner in the said petition was also extended the benefit of counting the past service for the purpose of pension.

9. As the issue has been already decided long back by the Division Bench of this Court and the said judgement has been operating for all these years, this Court does not see any reason to deviate from the consistent view taken by various Co-ordinate Benches as well as Division Bench of this Court.

10. The learned counsel appearing for the 1st respondent submitted that the Office of the 1st respondent has already addressed a letter dated 09.02.2026 requesting for clarification on this aspect as to



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whether the past service rendered by the Secondary Grade Teachers can be treated as a qualifying service for the purpose of pension or not and the said clarification is awaited. In the considered view of this Court absolutely there is no necessity for the 1st respondent to seek any such clarification as the issue has already attained finality as early as in the year 2004.

11. Accordingly, the writ petition is allowed, directing the respondents to review the impugned order duly taking into consideration the service rendered by the petitioner from 03.06.1996 to 31.05.2003 only for the purpose of pension and issue the revised order as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order. No costs.

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Index : Yes / No
Internet : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

RM

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