



WP(MD). No.9762 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.04.2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.9762 of 2026

M.Gobinath

... Petitioner

Vs.

1. State Commissioner Avl (A & E),
O/o. the State Accountant General,
361, Anna Salai, Chennai- 600018..

2. The Chief Educational Officer,
Dindigul, Dindigul District..

3. The District Educational Officer,
Dindigul District, Dindigul.

4. The Correspondent,
Government Higher Secondary School,
Senthurai,
Natham (Taluk),
Dindigul.

... 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 place the Petitioner under the old pension scheme considering his appointment as P.G. Assistant (Mathematics) on 22.09.1993 at Montfort Anglo Indian Higher Secondary School, Yercaud, Salem within the period that may be stipulated by this Court.

For Petitioner	: M/s/ H.Jasima Yasmin M/s.Ajmal Associates
For R2 to R4	: Mr.N.Satheesh Kumar Additional Government Pleader
For R1	: Mr.P.Gunasekaran



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ORDER

WEB COPY This writ petition has been filed for a writ of mandamus directing the respondents to place the petitioner under the old pension scheme considering his appointment as P.G.Assistant (Mathematics) on 22.09.1993 at Montfort Anglo Indian Higher Secondary School, Yercaud, Salem within the period that may be stipulated by this Court.

2. The petitioner herein, who was initially appointed as P.G. Assistant(Mathematics)on 22.09.1993 at Montfort Anglo Indian Higher Secondary School, Yercaud, Salem, which is an aided school, resigned from the said post on 5.11.2002. Subsequently, he was again selected and appointed as B.T.Assistant on 04.10.2007 at Government Higher Secondary School, Erode District. It was thereafter the petitioner got selected as P.G. Assistant (Mathematics) in a recruitment undertaken by the Teachers Recruitment Board and was relieved from the post of B.T.Assistant on 02.02.2009 and he was appointed in the post of P.G.Assistant (Mathematics) in the Government Higher Secondary School, Kagguchi, Nilgiris District on 03.02.2009. It was thereafter the petitioner after having served for about more than 15 years as P.G.Assistant(Mathematics), retired from service on 31.05.2024.



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3.The case of the petitioner in the present writ petition is that as soon as he was appointed as P.G.Assistant on 04.10.2007, he has been making a request for taking the service rendered by him as P.G Assistant (Mathematics) in Government Aided School upto 2009 into consideration and to extend the benefit of old pension scheme to him. But the said representations have not been considered and therefore, the petitioner claims to have submitted representations even after retirement from service, that is after 31.05.2024 and now approaching this Court by filing the present writ petition seeking a writ of mandamus to direct the respondents to treat him as the person covered by the old pension scheme instead of Contributory Pension Scheme.

4. This Court heard the learned counsel for the petitioner and Mr.Gunasekaran, learned counsel for the first respondent and Mr.N.Satheesh Kumar, learned Additional Government Pleader for respondents 2 to 4.

5. A perusal of the order of appointment issued in favour of the petitioner as B.T.Assistant through the proceedings No.90256/C4/Yee.1/2007 dated 26.09.2007 is very clear that the said appointment



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was made under Contributory Pension Scheme as it is evident from the condition No.9 of the said appointment order. Admittedly, the contribution has been deducted from the salary of the petitioner with effect from 26.09.2007 till the date of his retirement on 31.05.2024. It is after the petitioner retired from service, the petitioner has received all the benefits that are payable under Contributory Pension Scheme and has been enjoying all the benefits. It was after a lapse of about 2 years since the date of retirement, the petitioner has approached this Court by filing the present writ petition. The old pension scheme is applicable only to the Government servants, who are appointed prior to 31.03.2003, the Contributory Pension Scheme has come into force on 01.04.2003. The petitioner is admittedly appointed to the Government service only on 26.09.2007. The question of extending the benefit of old pension scheme to the petitioner does not arise. Merely because the service rendered by the petitioner in the aided school as P.G. Assistant (Mathematics) is taken into consideration for the purpose of granting Selection Grade and Special Grade, the same does not confer any right to claim the benefit of old pension scheme. The counting of service rendered in aided school is permitted to be counted for the purpose of grant of Selection Grade and Special Grade under various Government Orders issued from time to time. In the



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absence of any Government Order or the provision of law entitling the petitioner to take into account the service rendered by him in aided school prior to 01.04.2003 and to extend the benefit of old pension scheme cannot be entertained.

6. In the circumstances, this Court does not find any merits in the writ petition. Accordingly, the same is dismissed at the admission stage. No costs.

09.04.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
CM

TO
1. State Accountant General,

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MUMMINENI SUDHEER KUMAR,J

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