

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2026

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR**

**W.A.NO.202 OF 2025
AND
CMP NO.1392 OF 2025**

1.The State of Tamil Nadu
Rep. By its Secretary to Government
Finance Department
Fort St. George,
Chennai – 600 009.

2.The State of Tamil Nadu
Rep. By its Secretary to Government
School Education Department
Fort St. George,
Chennai – 600 009.

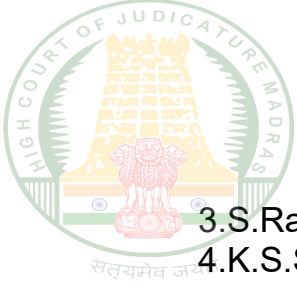
3.The Director of School Education
DPI Compound, College Road,
Chennai – 600 006.

4.The Joint Director (Vocational)
Directorate of School Education
DPI Compound,
College Road,
Chennai – 600 006.

... Appellants

Vs.

1.N.Kumar
2.J.Prabhu



3.S.Ravichandar
4.K.S.Sampath Nagaraja
5.T.Namasivayam
6.R.Balasubramaniyan

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 05.03.2024 passed in W.P.No.6655 of 2020.

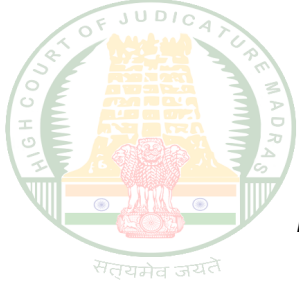
For Appellants	:	Dr.R.Gouri Government Counsel
For Respondents 1 – 5	:	No appearance
For Respondent – 6	:	Mrs.C.Uma

J U D G M E N T

(Judgment of the Court was made by S.M.Subramaniam, J.)

The issues raised in the present intra Court appeal are no longer *res integra*. The Full Bench of this Court has considered the issues and answered the references in the case of ***Government of Tamilnadu, Represented by its Principal Secretary, School Education Department, Chennai Vs. P.L.S.Palaniappan and Others***, reported in **2026:MHC:2255**. Paragraph Nos.2, 3 and 4 of the said judgment reads as under:

‘2.The Hon'ble Chief Justice constituted this Full Bench and when the matter is taken up for hearing, the

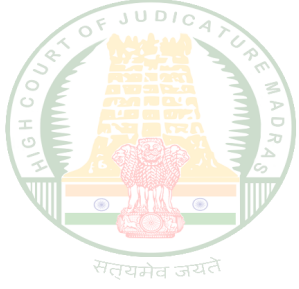


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*learned Government Advocate at Chennai as well as the learned Government Pleader from Madurai would submit that the issues raised in the Writ Appeal have already been decided by the Full Bench of this Court in the case of the **State rep. by its Secretary, School Education Department, Chennai vs. S.Rajaram and others in W.A. (MD).No.201/2021 dated 05.03.2021.** The learned Government Advocate would rely on paragraph Nos.18 and 19 of the judgment, which reads as under.*

“18.We still have to deal with the order dated 21.01.2019 made in W.A.No.1040 of 2019 (The Government of Tamil Nadu represented by its Principal Secretary, School Educational Department Vs Kalarani & others). It is true that the case of the respondents therein is similar to that of the respondents herein. It also appears that the order dated 21.01.2019 in W.A.No.1040 of 2019 had attained finality. Yet, we are of the view that the present writ appeal cannot be governed by the order dated 21.01.2019 for more than one reason. The Division Bench which dismissed W.A.No.1040 of 2019 was under

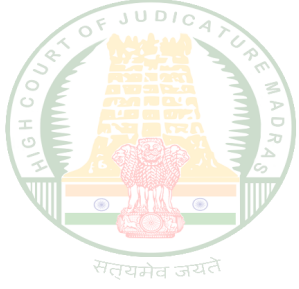


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the impression that the vocational instructors (Agriculture) and vocational instructors in other streams though discharge identical duties, were placed in different time scales. It is not so. A mere look at G.O.Ms.No.6 dated 04.01.2000 is enough to dispel the same. The vocational instructors whether for Home Science, Commerce and Business and Agricultural, Engineering and Technology, Health or Photography and Music have been placed in the very same time scale of pay of Rs.5500 – 175 – 9000. Secondly, the Division Bench took the view that the decisions rendered in G.Narayanasamy and Vasimalai should be followed. We have already held that vocational instructors appointed under G.O.Ms.No.129, dated 18.05.1999 r/w G.O.Ms.No.6, dated 04.01.2000 constitute a separate class distinct from the one to which G.Narayanasamy and Vasimalai belonged.

19.It is well settled that Article 14 of the Constitution of India cannot be invoked for perpetuating illegality. A wrong order passed in one case cannot be made the basis for compelling a public authority to



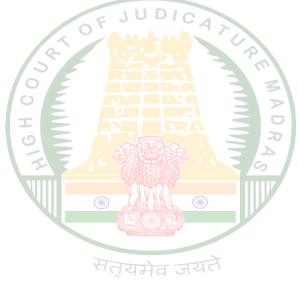
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pass similar order in any other case. Even if the State implements an erroneous order passed by the Court, it cannot be precluded from challenging a similar order passed in another case, simply because appeal was not preferred in the earlier case (Paragraph No.17 in State of Madhya Pradesh Vs. Ramesh Chandra Bajpai, reported in (2009) 13 SCC 635)."

3.The SLP.No.16732/2022 filed challenging the judgment of the Full Bench cited supra came to be dismissed by the Hon'ble Apex Court on 26.09.2022. Thus, the judgment rendered by the Full Bench became final and the said judgment may be followed for deciding the individual cases.

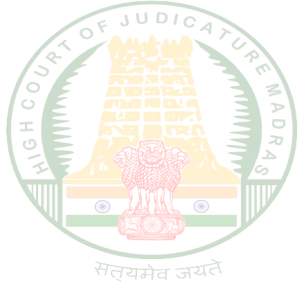
*4.Since the Full Bench judgment, in the case of **Secretary, School Education Department, Chennai Vs. S.Rajaram**, passed in **W.A.(MD).No.201 of 2021**, has been confirmed by the Hon'ble Supreme Court of India, reconsideration of the issues involved is not required. Consequently, the question of constituting a Larger Bench does not arise at all. The issues are answered accordingly."*

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2.In view of the Full Bench judgment of this Court cited *supra*, the order impugned in the present appeal dated 05.03.2024 passed in W.P.No.6655 of 2020 is set aside. Consequently, the Writ Appeal stands allowed. However, there shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

[S.M.S., J.]**[N.S., J.]****16.07.2026**

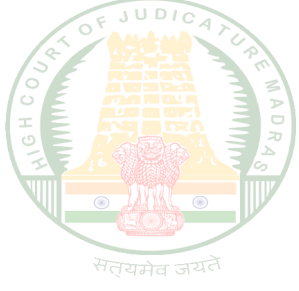
Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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S.M.SUBRAMANIAM, J.

AND

N.SENTHILKUMAR, J.

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