

WEB COPY

WA No.2179 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G. ARUL MURUGAN

WA No.2179 of 2026
and CMP No.18907 of 2026

The Government of Tamil Nadu
Rep.by its Secretary Teachers Recruitment Board
3rd and 4th Floor, Puratchi Thalaivar
M.G.R Centenary Building
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai – 600 006.

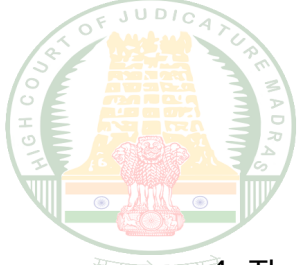
: Appellant

v

1.D.Akshay Kumar
Son of R.Dharmalingam
residing at No.3/497, Pugazhenthai Salai,
J.J.Nagar East, Chennai – 600 037.

2.The Government of Tamil Nadu
Rep. by its Secretary Law Department
St. Fort George Secretariat, Chennai – 600 009.
(This Respondent is shown as formal party
and no relief is sought for against this Respondent)

3. The Directorate of Legal Studies TAG
Rep.by its Director,
No.198 Purasaiwakkam High Road,
Pava Puri Colony, Lumbini Square,
Purasaiwakkam, Chennai – 600 010.



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4. The TamilNadu Dr.Ambedkar Law University

Rep.by its Registrar,
No.5, Poompozhi, Dr.DGS Dinakaran Salai,
Raja Annamalaipuram, Chennai – 600 028.

5. University Grants Commission (UGC)

Rep.by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

6. The Bar Council of Tamil Nadu and Puducherry

Rep. by its Chairman High Court Campus,
Chennai – 600 104.

7. National University of Advanced Legal Studies

(Nuals) Rep.by its Registrar, Nuals Campus,
HMT Colony P.O., Kalamaserry, Ernakulam,
Kerala - 683 503

: Respondents

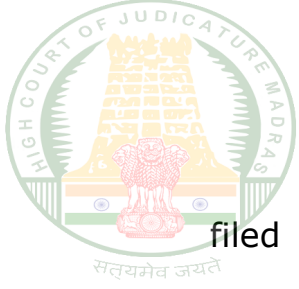
Prayer: Appeal filed under Clause 15 of the Letters Patent to set aside the interim order dated 03.03.2025 made in W.P.No.7586 of 2025 by the learned Single Judge.

For Appellant : Mr.C.Kathiravan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The Teachers Recruitment Board has filed this appeal seeking to overturn an interim order passed by a learned Single Judge on 3.3.2025 in W.P.No.7586 of 2025. By the said order, the learned Single Judge directed the appellant to accept the job application



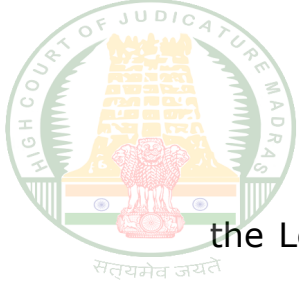
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filed by the first respondent for the post of Associate Professor, while simultaneously directing the appellant to file its counter-affidavit detailing its stance by 13.3.2025.

2. Learned counsel for the appellant contends that the first respondent lacks the academic and professional qualifications required for the post and, therefore, the learned Single Judge ought not to have permitted him to upload the application.

3. The primordial grievance ventilated by the appellant that the first respondent is ineligible is a factual defence that must first be presented to and evaluated by the learned Single Judge. The proper course for the appellant is to establish the disqualification of the first respondent by way of its counter-affidavit in the pending writ petition.

4. That apart, this appeal stumbles at the threshold of maintainability. A writ appeal does not automatically lie against every routine order passed in a writ petition. Under Clause 15 of



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the Letters Patent, an appeal is permissible only against a decision that bears the traits of a true "*judgment*", viz., an order that conclusively settles a vital right, resolves a fundamental dispute or causes direct and irreparable prejudice to a party.

5. The Supreme Court in *Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda*¹, held that interim/interlocutory orders passed during the pendency of a case, broadly fall into the following distinct classes:

"15. Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories:

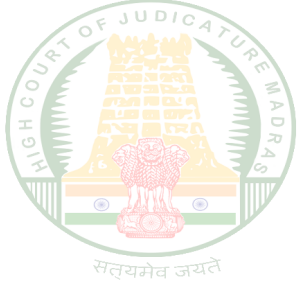
(i) Orders which finally decide a question or issue in controversy in the main case.

(ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.

(iii) Orders which finally decide a collateral issue or question which is not the subject-matter of the main case.

(iv) Routine orders which are passed to facilitate

¹(2006) 5 SCC 399



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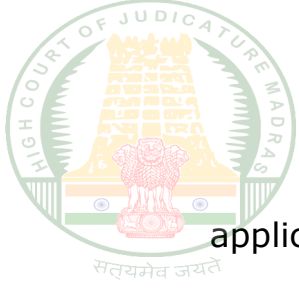
the progress of the case till its culmination in the final judgment.

(v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties."

The Supreme Court further held that, while orders falling under the first three categories constitute "*judgments*" and are appealable, the orders falling under the categories (iv) and (v) are not.

6. The direction issued by the learned Single Judge to provisionally accept an application, without expressing any final opinion on the candidate's ultimate eligibility, is purely a routine, protective measure. It determines no final rights and inflicts no permanent harm.

7. Furthermore, when an administrative body feels aggrieved by an interim order, the Constitution of India provides a statutory remedy under Article 226(3). Rather than bypassing the writ court and rushing to the appellate court, the proper procedure is to file an



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application to vacate the interim order before the same forum.

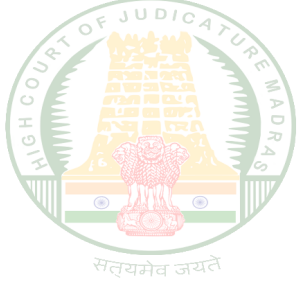
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8. The direction issued to the appellant by the learned Single Judge to receive the first respondent's application is to ensure that the candidate's rights were not rendered meaningless while the writ court evaluated the merits. It is for the appellant to present its full defence before the writ court by filing the counter-affidavit.

In light of the settled legal position, this writ appeal is dismissed as not maintainable. There shall be no order as to costs. Consequently, connected interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G. ARUL MURUGAN, J.)
20.07.2026

Index : Yes
Neutral Citation : Yes
tar/sasi

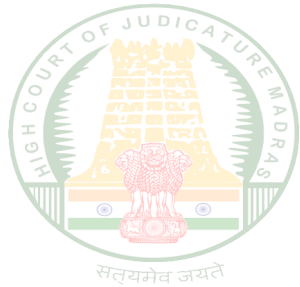


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To

- 1.The Registrar
National University of Advanced Legal Studies
Nuals Campus, HMT Colony Po, Kalamaserry, Ernakulam,
Kerala 683 503
- 2.The Secretary
Law Department, St. Fort George Secretariat, Chennai 009.
3. The Director
Directorate of Legal Studies TAG
No.198 Purasaiwakkam High Road,
Pava Puri Colony, Lumbini Square,
Purasaiwakkam, Chennai 010.
4. The Registrar
Tamil Nadu Dr.Ambedkar Law University
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Raja Annamalaipuram, Chennai 028.
- 5.The Secretary
University Grants Commission (UGC)
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6. The Chairman
Bar Council of Tamil Nadu and Puducherry
High Court Campus, Chennai 104.



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THE HON'BLE CHIEF JUSTICE

AND

G. ARUL MURUGAN, J.

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