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W.A.No.2144 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.07.2026

DELIVERED ON : 23.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.2144 of 2026

AND

C.M.P.No.18626 of 2026

The State of Tamil Nadu
Rep. by its Secretary to Government
Law (LS) Department
Fort. St. George, Secretariat
Chennai-600 009

Appellant(s)

Vs

1.Rajeswaran
Principal, Government Law College
Vellore
Residing at B/67, Renga Nagar 2nd Street
K.K.Nagar, Trichy-21

2.The Director of Legal Studies (In Charge)
Kilpauk, Chennai- 600 010

3.The Registrar
Tamil Nadu Dr.Ambedkar Law University
Chennai



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4.Gowri Ramesh
Registrar
Tamil Nadu Dr.Ambedkar Law University
Chennai

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 30.06.2026 passed by the learned Single Judge in W.M.P.No.27283 of 2026 in W.P.No.25008 of 2026.

For Appellant(s) : Mr. Vijay Narayan
Advocate General
Assisted by Mr. Mohammed Fayaz Ali
Government Pleader

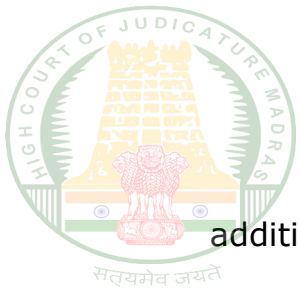
For Respondent(s) : Mr. AR.L.Sundaresan
Senior Counsel
for Mr. L.Palanimuthu for R1

JUDGMENT

G.ARUL MURUGAN, J.

The State has preferred this intra-Court appeal assailing the order passed by the writ Court dated 30.06.2026 in W.M.P.No. 27283 of 2026 in W.P.No. 25008 of 2026, whereby the learned single Judge granted an interim order restraining the fourth respondent from continuing as full additional charge in the post of Director of Legal Studies till 04.08.2026.

2. The Government issued G.O.(Ms)No.49, Law (LS) Department, dated 03.03.2026 (in short "GO.49"), allocating the full

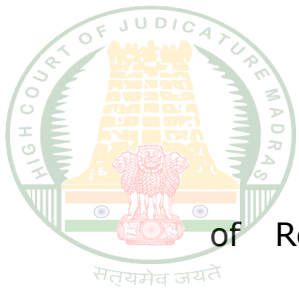


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additional charge of the post of Director of Legal Studies to the fourth respondent, who is holding the post as Registrar of Tamil Nadu Dr. Ambedkar Law University, with effect from 04.03.2026, as the erstwhile Director of Legal Studies was relieved from the post to assume the newly created post of Officer on Special Duty in the State Official Language (Legislative) Commission.

3. The first respondent/writ petitioner challenged GO.49 in the writ petition on the ground that the post of Director of Legal Studies shall be filled only as per applicable rules. The post of Director of Legal Studies shall be filled either by promotion, recruitment by transfer or direct recruitment, and if it is by promotion, the same could be filled up only from among the Principals of the Government Law Colleges. The fourth respondent, who is holding the post of Registrar of Tamil Nadu Dr. Ambedkar Law University, is not eligible to be appointed, and therefore, the appointment is in contravention of the rules and also the provisions of Tamil Nadu Dr. Ambedkar Law University Act, 1996.

4. The contention of the writ petitioner that he is senior to the fourth respondent found favour and the learned single Judge, by an interim order dated 30.06.2026, observing that because both the posts



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of Registrar and Director of Legal Studies are full-time and independent posts, a person holding the post of Registrar cannot be a full-time in-charge of Director of Legal Studies and, therefore, enjoined the fourth respondent from continuing as full additional in-charge of Director of Legal Studies till 04.08.2026, an order which is now sought to be challenged in this appeal.

5. Mr. Vijay Narayan, learned Advocate General appearing for the appellant State, submitted that the interim order granted by the learned single Judge effectively amounts to giving a final relief as the fourth respondent appointed to the post is restrained from holding the post, when the very appointment is under challenge in the main writ petition.

6. He further submitted that allocating full additional charge of a post cannot, by any means, be construed as a promotion, as it is only an *ad hoc*/temporary measure till suitable steps in accordance with the rules are undertaken to fill up the post and in view of the interim orders granted, the post of Director of Legal Studies, which is an important and sensitive post, would be left vacant and the Department would be headless.



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7. Learned Advocate General further submitted that the question of seniority can only be agitated after filing of the counter affidavit and that interim orders should not be passed in service matters by stalling an appointment based on a claim of seniority, an issue which can only be finally decided in the main writ petition.

8. Countering these submissions, Mr. AR.L. Sundaresan, learned Senior Counsel appearing for the first respondent/writ petitioner, relying on the provisions of the Tamil Nadu Dr. Ambedkar Law University Act, submitted that the Registrar of the University shall be a whole-time salaried officer who shall be an *ex officio* Secretary to the Syndicate and the Registrar shall not be eligible for nomination or election or for appointment as a member of any of the authorities of the University and when the fourth respondent is the Registrar, being a full-time officer, she cannot be appointed or allowed to hold the full additional charge of the Director of Legal Studies, which is also a full-time, independent post.

9. Learned Senior Counsel further, by placing reliance on Section 22(2) of the Tamil Nadu Dr. Ambedkar Law University Act, submitted

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that when the fourth respondent, being the Registrar, who is the *ex officio* Secretary to the Syndicate, cannot be a member of that body, how can she now indirectly sit as a member of the Syndicate in the capacity of holding full additional charge as Director of Legal Studies, which is impermissible.

10. Learned Senior Counsel further vehemently contended that what the law prohibits directly cannot be permitted to be achieved indirectly in contravention to the provisions of the Act. He submitted that the learned single Judge, by considering the legal provisions, granted the interim order. He further argued that, if the State was aggrieved, it should have preferred an application under Article 226(3) of the Constitution of India seeking to vacate the interim order, instead, the writ appeal preferred as against the interim order is not maintainable.

11. In support of his contentions, learned Senior Counsel relied on a decision of the Hon'ble Supreme Court in the case of ***Shyam Sel & Power Ltd. v. Shyam Steel Industries Ltd. [(2023) 1 SCC 634]***.



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12. In reply, learned Advocate General submitted that the State undertakes to take immediate steps to appoint a full-time Director of Legal Studies in accordance with the rules within a period of two months and further, the apprehensions raised by the first respondent though not admitted, could be addressed by requesting the fourth respondent not to participate in the Syndicate Meetings as a Member.

13. We gave our anxious consideration to the rival submissions made and considered the materials available on record.

14. The appointment to the post of Director of Legal Studies governed by Rule 2 of the Special Rules for the Tamil Nadu Legal Educational Service is contained in Section 33 in Volume-II of Tamil Nadu Services Manual, 2016. Rule 2(a) reads as under:

"2. Appointment to the service - (a) Appointment to the several classes and categories of the service shall be made as follows:-

Class and category (1)	Method of appointment (2)
Class I Director of Legal Studies	i. Promotion from the category of Principals of Law Colleges in the State; or



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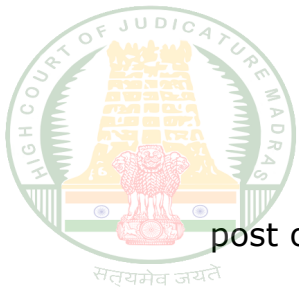


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- ii. Recruitment by transfer. -
 - (a) from the Tamil Nadu State Higher Judicial Service; or
 - (b) from the category of Joint Secretary to Government, Law Department in the Tamil Nadu General Service; or
- iii. Direct Recruitment

15. As per Rule 2(a), appointment to the post of Director of Legal Studies shall be made either by promotion, recruitment by transfer, or direct recruitment. If it is by promotion, it must be from the category of Principals of law colleges in the State and if it is by transfer, it must be from the Tamil Nadu State Higher Judicial Service or the category of Joint Secretary to Government of Law Department.

16. Consequent upon the erstwhile Director of Legal Studies being relieved from the post to assume the newly created post of Officer on Special Duty in the State Official Language (Legislative) Commission, the post of Director of Legal Studies became vacant. As steps are to be taken to fill up the post by adopting any one of the modes as contemplated under Rule 2(a), the Government issued GO.49, allocating the full additional charge of the post of Director of Legal Studies to the fourth respondent, who is currently holding the



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post of Registrar of the Tamil Nadu Dr. Ambedkar Law University.

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17. The first respondent challenged GO.49 claiming that if the post is to be filled by promotion, then, the first respondent being senior to the fourth respondent, would be entitled to be appointed as Director of Legal Studies and further, the promotion could be only from the category of Principals of Law Colleges and when the fourth respondent is holding the post of the Registrar of Tamil Nadu Dr. Ambedkar Law University, the order appointing the fourth respondent is illegal.

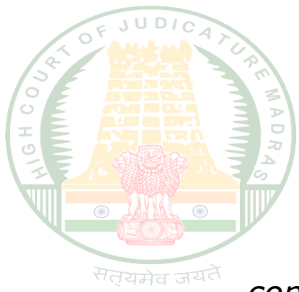
18. A bare perusal of GO.49 reveals that the fourth respondent has neither been promoted nor appointed as the full-time Director of Legal Studies, as the Government has only allocated the full additional charge of the post of Director of Legal Studies to the fourth respondent. The allocation of the full additional charge of a post can, by no means, be construed as a promotion or full-time appointment, but it is only an *ad hoc*/temporary measure where the incumbent does not get any rights in the post of additional charge and the incumbent continues to hold only the service in the regular post.



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19. In this regard, it is apposite to refer to the decision of a Three-Judge Bench of the Hon'ble Supreme Court in ***Ramakant Shripad Sinai Advalpalkar v. Union of India [1991 Supp (2) SCC 733]***, wherein it was held that directing an officer to merely discharge the duties of a higher post cannot be treated as a promotion and the duties are discharged purely as a stop-gap arrangement. The relevant portion reads as under:

"5. The arrangements contemplated by this order plainly do not amount to a promotion of the appellant to the post of Treasurer. The distinction between a situation where a government servant is promoted to a higher post and one where he is merely asked to discharge the duties of the higher post is too clear to require any reiteration. Asking an officer who substantively holds a lower post merely to discharge the duties of a higher post cannot be treated as a promotion. In such a case he does not get the salary of the higher post; but gets only what in service parlance is called a "charge allowance". Such situations are contemplated where exigencies of public service necessitate such arrangements and even consideration of seniority do not enter into it. The person continues to hold his substantive lower post and only discharges the duties of the higher post essentially as a stop-gap arrangement.



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6. We may recall the observations of this Court in the context of a rule requiring as a condition for eligibility that the "person should have worked on the post for seven years" where the difference between merely working on the post and holding a post was indicated: [*State of M.P v. Laxmishankar Mishra* (1979) 2 SCC 270, 273] (SCC p. 273, para 13)

"Perhaps there would have been some merit in the submission on behalf of the petitioner if in Rule 3(b) the words used were 'who held the post' but the language in Rule 3(b) is so materially different and it speaks that a person should have worked on the post. The State was apparently wrong in introducing the element of rank for the purpose of Rule 3(b)."

In Girja Shankar v. S.D.O., Harda [AIR 1973 MP 104 (FB)] , it was held that a "person appointed to be incharge of the current duties of the office" did not hold the rank and, therefore, could not discharge the statutory functions assigned to the post. In the present case appellant cannot, on the strength of the office-order dated 30th August 1963, claim to have been promoted to the post of the "Treasurer". The first contention is, therefore, insubstantial.

7.

8.

9. The third contention is that appellant's 'in-charge' arrangements in the higher post had continued for so long a

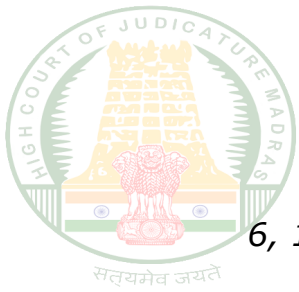


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period that a determination of equivalence on the basis of his lower substantive post would become arbitrary. This contention ignores the fact that an 'in-charge' arrangement is not a recognition of or is necessarily based on seniority and that, therefore, no rights, 'equities or expectations could be built upon it.' The third contention is also unmeritorious."

20. In yet another decision in the case of ***State of Haryana v. S.M.Sharma and Others [1993 Supp (3) SCC 252]***, the Hon'ble Supreme Court held that entrusting an employee with the current duty charge of a higher post does not amount to an order of promotion and it is neither an appointment, promotion nor posting and no one has a right to ask for or stick to a current duty charge. The Hon'ble Supreme Court found fault with the High Court by observing that it is a patent misuse of the process of the Court in invoking the writ jurisdiction. The relevant portion reads as under:

"9. Sharma was not promoted to the post of Executive Engineer, he was only entrusted with the current duty charge of the said post in his own pay scale till further orders. There is no order promoting Sharma to the post of Executive Engineer. The High Court fell into patent error in reading the order dated June 13, 1991 as the order promoting Sharma to the post of Executive Engineer. We may also notice the impugned order dated January



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6, 1992 which is as under:

"OFFICE ORDER

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Sh. Ram Niwas, XEN, from PWD (B&R) is hereby posted as XEN, in HSAM Board in Panchkula as XEN, (Design).

Sh. Surinder Mohan Sharma, SDO, who was holding current duty charge of the post of XEN in his own pay scale is hereby transferred from Panchkula and posted as SDO in Bhiwani.

These orders shall take immediate effect.

*Manik Sonawane,
Chief Administrator."*

10. It is only a posting order in respect of two officers. With the posting of Ram Niwas as Executive Engineer Sharma was automatically relieved of the current duty charge of the post of Executive Engineer. Sharma was neither appointed/promoted/posted as Executive Engineer nor was he ever reverted from the said post. He was only holding current duty charge of the post of Executive Engineer. The Chief Administrator never promoted Sharma to the post of Executive Engineer and as such the question of his reversion from the said post did not arise. Under the circumstances the controversy whether the powers of the Board to appoint/promote a person to the post of an Executive Engineer were delegated to the Chairman or to the Chief Administrator, is wholly irrelevant.

11.

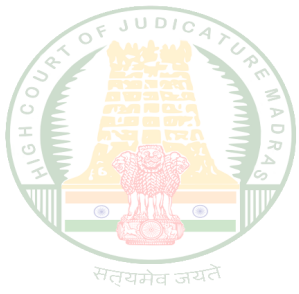
12. We are constrained to say that the High Court extended its extraordinary jurisdiction under Article 226 of the Constitution



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of India to a frivolity. No one has a right to ask for or stick to a current duty charge. The impugned order did not cause any financial loss or prejudice of any kind to Sharma. He had no cause of action whatsoever to invoke the writ jurisdiction of the High Court. It was a patent misuse of the process of the court."

21. Based on the law enunciated by the Hon'ble Supreme Court, it is seemingly clear that the allocation of a full additional charge of a post cannot be construed as a promotion/appointment, but it is only a temporary/*ad hoc* measure, where the incumbent always has lien and benefits in the substantive post, except for seeking charge allowances. As the post of Director of Legal Studies, fell vacant, and since the State has to initiate steps as contemplated under Rule 2(a) to appoint the Director of Legal Studies, only as a stop-gap arrangement, the order allocating full additional charge of Director of Legal Studies to the fourth respondent, came to be issued and it cannot be construed as promotion or appointment. Therefore, the question of overlooking the seniority of first respondent over the fourth respondent does not arise. Further, the question of seniority can only be decided finally in the writ petition, based on which, consequential relief can be granted.



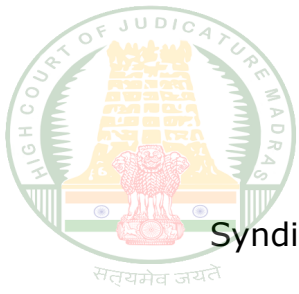
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22. As regards the contention that since the fourth respondent is holding the post of Registrar of the Tamil Nadu Dr. Ambedkar Law University, being a full-time and independent post, she cannot hold the post of Director of Legal Studies, which is also a full-time and independent post, in view of the provisions of the Tamil Nadu Dr. Ambedkar Law University Act, these issues could be agitated only after affording opportunity to the respondents in the writ petition to file counter affidavit, particularly, allocation of full-time charge temporarily made is under challenge.

23. Learned Advocate General by submitting that the allocation of work to the fourth respondent is only a temporary *ad hoc* measure till the vacancy is filled by undertaking procedures under Rule 2(a) of the Special Rules for the Tamil Nadu Legal Educational Service, assures this Court that the procedure under the Rules would be undertaken and a full-time Director of Legal Studies would be appointed to the post of Director of Legal Studies within a period of two months.

24. The further submission made by the learned Advocate General that the fourth respondent would not participate in the



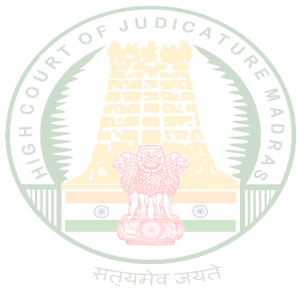
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Syndicate Meetings of the University as a Member in the capacity of Director of Legal Studies is also placed on record. Nevertheless, these issues are to be gone into and adjudicated at the time of final hearing of the writ petition.

25. Learned Senior Counsel appearing for the first respondent placed heavy reliance on the decision of the Hon'ble Supreme Court in **Shyam Sel's** case and submitted that an intra-Court appeal under Clause 15 of the Letters Patent is not maintainable against an interim order passed in a writ petition, as it does not amount to a 'judgment', and it was only open to the appellant to file necessary application under Article 226(3) of the Constitution of India seeking to vacate the interim order.

26. A perusal of the said decision reveals that the petition seeking an interim order was adjourned which was challenged in an appeal before the Division Bench and the Division Bench had took up the interim application and decided the issue which was found fault by the Hon'ble Supreme Court, as an order merely postponing a case cannot be construed as a judgment allowing to maintain an appeal under Clause 15 of the Letters Patent.

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27. At this juncture, it is useful to refer to the decision of the Hon'ble Supreme Court in the case of **Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda [(2006) 5 SCC 399]**, wherein the categories of orders against which an appeal can be sustained were set out. The relevant portion of the said decision reads as follows:

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

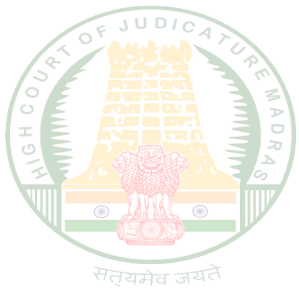
(i) Orders which finally decide a question or issue in controversy in the main case.

(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 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.



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16. The term "judgment" occurring in clause 15 of the Letters Patent will take into its fold not only the judgments as defined in Section 2(9) CPC and orders enumerated in Order 43 Rule 1 CPC, but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties. Interlocutory orders which fall under categories (i) to (iii) above, are, therefore, "judgments" for the purpose of filing appeals under the Letters Patent. On the other hand, orders falling under categories (iv) and (v) are not "judgments" for the purpose of filing appeals provided under the Letters Patent."

28. In the instant case, a challenge was made to the Government Order allocating the additional charge to the fourth respondent on the grounds of seniority and infraction of the rules. The learned single Judge granted an order of interim injunction restraining the fourth respondent from holding the post of Director of Legal Studies. As a result of this interim order, it is not that the writ petitioner is made eligible to discharge the duties, but the fourth

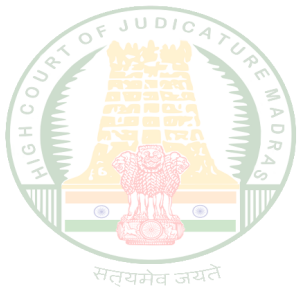


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respondent who was given full additional charge as an *ad hoc* temporary measure is restrained and ultimately, the post is made to remain vacant.

29. If ultimately the challenge to the Government Order is allowed, the consequence would be that the fourth respondent would be relieved from holding the full additional charge of the post of Director of Legal Studies and now by the grant of interim order, still the same situation has arisen, whereby the fourth respondent is not allowed to hold the full additional charge.

30. In such circumstances, we are of the view that the intra-Court appeal preferred by the State under Clause 15 of the Letters Patent is maintainable, as held in ***Midnapore Peoples' Coop. Bank Ltd. (supra)***. As all factual and legal issues are to be decided finally in the writ petition after affording opportunities to all parties, we are of the considered opinion that the interim order passed by the writ Court should be kept in abeyance and the learned single Judge be requested to decide the writ petition.

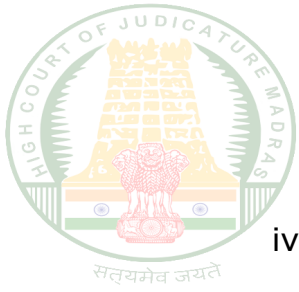


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31. Accordingly, the writ appeal stands allowed with the following directions:

- i. The interim order dated 30.06.2026 passed by the learned Single Judge in W.M.P.No.27283 of 2026 in W.P.No.25008 of 2026 is set aside.
- ii. The assurance of the learned Advocate General that the process to fill up the post of Director of Legal Studies in consonance with Rule 2(a) of the Special Rules for the Tamil Nadu Legal Educational Service would be completed within a period of two months and further, the fourth respondent will not participate in the Syndicate Meetings as a Member in the capacity of holding full additional charge as the Director of Legal Studies, is recorded.
- iii. The learned single Judge is requested to take up the writ petition for final hearing, after affording a reasonable opportunity to the parties to complete their pleadings by filing counter affidavits.



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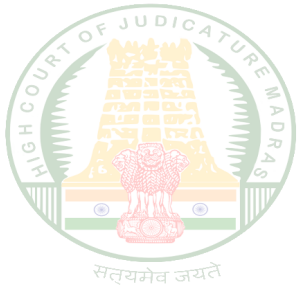
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- iv. It is made clear that the observations made in this order are solely for the purpose of deciding this appeal and will have no bearing on the final decision of the writ petition.

There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
23.07.2026

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Neutral Citation : Yes/No
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AND
G.ARUL MURUGAN,J.
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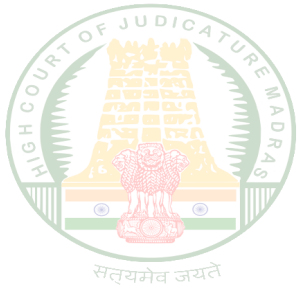
1.The Director of Legal Studies
(In Charge)
Kilpauk, Chennai- 600 010

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(Order of the Court was made by
the Hon'ble Chief Justice)

After the order was pronounced today, it is brought to the notice of the Court that the Government has issued G.O.Ms.No.162, Law Department dated 21.07.2026 replacing the fourth respondent with the Additional Joint Secretary, Law Department. The same is recorded.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
23.07.2026

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