

W.A.(MD)Nos.449 and 450 of 2020 and W.P(MD)No.7355 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2026

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.A.(MD)Nos.449 and 450 of 2020
and
W.P(MD)No.7355 of 2020
and
C.M.P.(MD)Nos.3201 and 3205 of 2020
and
W.M.P.(MD)No.6803 of 2020

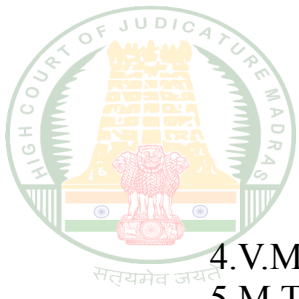
W.A.(MD)No.449 of 2020:-

1.K.Sivaraman
2.P.Sankar
3.N.Kamaraj
4.C.Vasuki
5.V.Selvaraju
6.R.Pannerselvam
7.N.Selvakumar
8.L.Mary Juliet
9.C.Chandra Devi
10.M.ganaselan
11.N.Senthil

... Appellants

vs.

1.V.Nallusamy
2.A.Jamal Mohamed
3.S.Uthayakumar



W.A.(MD)Nos.449 and 450 of 2020 and W.P(MD)No.7355 of 2020

- 4.V.Murugesan
- 5.M.Therese Jesintha
- 6.T.Jayachitra
- 7.E.Sundararajan
- 8.N.Tamilselvan
- 9.K.Thillakarasi
- 10.V.Ananthalakshmi
- 11.R.Subramanian
- 12.G.Botheswari
- 13.P.Thirumurugan
- 14.R.Backiyalakshmi
- 15.M.Dhandapani
- 16.A.Ignaciyammal
- 17.A.Thirunavukkarasu
- 18.S.Suresh

19.The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St.George, Chennai-600 009.

20.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

21.The Joint Director of School Education,
DPI Campus, College Road, Chennai-600 006.

22.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tiruchirappalli,
Tiruchirappalli District -620 008.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 09.12.2019 passed by this Court in W.P.(MD)No.
21467 of 2019.



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W.A.(MD)Nos.449 and 450 of 2020 and W.P(MD)No.7355 of 2020

For Appellants :Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For R19 to R22 :Mr.M.Kannan
Counsel for State of Tamil Nadu

W.A.(MD)No.450 of 2020:-

- 1.K.Sivaraman
- 2.P.Sankar
- 3.N.Kamaraj
- 4.C.Vasuki
- 5.V.Selvaraju
- 6.R.Pannerselvam
- 7.N.Selvakumar
- 8.L.Mary Juliet
- 9.C.Chandra Devi
- 10.M.Gnanaselan
- 11.N.Senthil

... Appellants

vs.

1.A.Jamal Mohamed

2.The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St.George, Chennai-600 009.

3.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

4.The Joint Director of School Education,
DPI Campus, College Road, Chennai-600 006.



W.A.(MD)Nos.449 and 450 of 2020 and W.P(MD)No.7355 of 2020

5.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tiruchirappalli,
Tiruchirappalli District -620 008.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 09.12.2019 passed by this Court in W.P.(MD)No.
24640 of 2019.

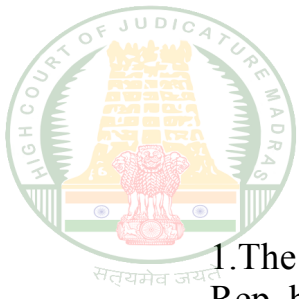
For Appellants	:Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For R2 to R5	:Mr.M.Kannan Counsel for State of Tamil Nadu

W.P(MD)No.7355 of 2020:-

1.K.Periasamy
2.J.Sasikumar
3.J.Sumathi
4.R.Selvarani
5.T.Jeyalakshmi
6.G.Jeyabalan
7.R.Ilayaraja
8.S.Chandra Prema
9.N.Jayanthi
10.R.Amutha
11.G.Mangayarkarasi
12.M.Shanmugasundaram
13.D.Revathi
14.B.Vedhavalli
15.M.Sangeetha
16.S.Pandiselvi

... Petitioners

vs.



W.A.(MD)Nos.449 and 450 of 2020 and W.P(MD)No.7355 of 2020

1.The Government of Tamilnadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Director of Elementary Education,
DPI Campus, College Road, Chennai-600 006.

4.The District Elementary Education Officer,
Sivagangai Education District, Sivagangai.

5.The Block Educational Officer,
Sivagangai Block, Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representations dated 10.02.2020 and 14.02.2020, in the light of the order dated 30.07.2019 passed by this Court (Principal seat) in W.P.No.4991 of 2015 and pass orders, regularizing the services of the petitioners from the dates of their initial appointments in the year 2004 /2005 and consequently, to grant all the service, seniority and monetary benefits within a time limit to be fixed by this Court.

For Petitioners :Mr.A.Thirumurthy
For R1 to R5 :Mr.M.Kannan
Counsel for State of Tamil Nadu



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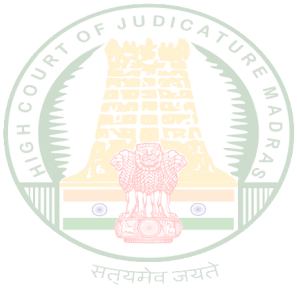
COMMON JUDGMENT

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(Judgment of this Court was delivered by **C.V. KARTHIKEYAN, J.**)

W.P(MD)No.7355 of 2020 has been filed in the nature of a Mandamus seeking a direction to examine the representations given by the Writ Petitioners in the light of the order in W.P.No.4991 of 2015 passed by a learned Single Judge of the Principal Bench of this Court.

2.The Writ Petitioners had been recruited as Secondary Grade Teachers/BT Assistants during the year 2005, according to them, on permanent basis in sanctioned posts in Sivagangai District, but however, on monthly consolidated pay. They were under contract for a period of five years. They had been so recruited under G.O.(D).No.100 School Education (Budget) Department, dated 27.06.2003. Thereafter, G.O.(D)No.99, School Education (Budget) Department, dated 27.06.2006, had been passed and the services of the Writ Petitioners were regularised on and from 01.06.2006.

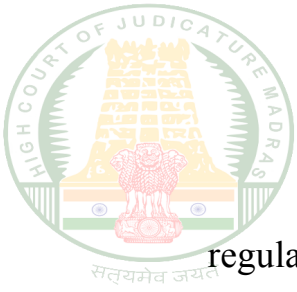


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3. In the meanwhile, it came to their knowledge about the order in W.P.No.4991 of 2015, dated 30.07.2019, passed by a learned Single Judge of the Principal Bench of this Court. That particular Writ Petition had been filed by similarly placed BT Assistants, who had also been initially appointed on contract basis and on consolidated pay and whose services had been regularised on and from 01.06.2006. They sought a direction that their earlier service prior to 01.06.2006 on consolidated pay/contract basis should also be taken into consideration as regular service.

4. Learned Single Judge had allowed that Writ Petition effectively bringing their service from the date of initial appointment into regular service and directed monetary benefits also to be paid from the date of initial appointment till the date of regularization. This order had directly affected those who had been directly appointed on regular basis prior to 01.06.2006, in view thereof, their seniority was affected. So long as the Writ Petitioners were working under contract basis on consolidated pay, they were deemed to be junior to those who had been appointed on



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regular basis prior to 01.06.2006. But owing to the order of the learned Single Judge in W.P.No.4991 of 2015, changing the nature of employment from that of contract employment to that of regular service, many of them became senior to those who had been appointed on regular basis.

5.The order in W.P.No.4991 of 2015 was put to challenge by the State Government before a Division Bench of the Principal Bench and by order dated 13.01.2020 in W.A.No.3904 of 2019, the Division Bench modified the order of the learned Single Judge by accepting that seniority could be granted, but stating that notional pay alone should be granted from the date of initial employment till 01.06.2006.

6.This again was to the disadvantage of those who had been in regular service even prior to 01.06.2006. Therefore, Review Application No.60 of 2020 had been preferred before a Division Bench in the Principal Bench. The Division Bench by order, dated 17.08.2021, examined the entire issue and was of the definite opinion that considering the period served on contract basis as regular service would



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directly affect the seniority of those who had been recruited on regular basis even prior to 01.06.2006 and therefore, recalled the order in W.A.No.3904 of 2019 and held that those who had been brought into regular service from 01.06.2006 would be deemed to be in regular service only from 01.06.2006 and their earlier service cannot be taken into consideration.

7.In view of that pronouncement, the relief sought in W.P.(MD)No. 7355 of 2020 can never be granted and a Mandamus can never be issued. The petitioners are bound by the order in Review Application No.60 of 2020. They are deemed to be in regular service only from 01.06.2006. Their earlier service can never be counted, either for seniority or for monetary benefits. The Writ Petition stands dismissed.

8.W.A.(MD)Nos.499 and 450 of 2020, had been filed by aggrieved third parties questioning an order of a learned Single Judge in W.P. (MD)Nos.21467 of 2019 and 24640 of 2019, respectively, both dated 09.12.2019. The issue again was the same. The writ petitioners had been initially appointed on contract basis on consolidated pay and thereafter,



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had been brought into regular service on and from 01.06.2006. They claimed that the period earlier to 01.06.2006 should be brought into regular service and they also claimed monetary benefits for the period up to 01.06.2006 from the date of initial employment.

9.Learned Single Judge had allowed the Writ Petitions and granted the relief sought. But, the order of the learned Single Judge runs contrary to the directions issued in Review Application No.60 of 2020. The judgement in Review Application No.60 of 2020 holds the field today. It had very specifically pronounced that service prior to 01.06.2006 can never be taken into consideration either for counting of service or for seniority or for monetary benefits. This ratio had been also applied in yet another Writ Appeal before this Court in W.A(MD)No.435 of 2020 by a Division Bench, in which one of us (*C.V.Karthikeyan, J.*) was a member, by order dated 14.10.2025.

10.In view of the consistent pronouncements of this Court, we hold that both W.A.(MD)Nos.449 and 450 of 2020, which had been filed by 3rd parties to the Writ Petitions after obtaining leave, will have to be



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necessarily allowed and the order of the learned Single Judge in W.P.

(MD)Nos.21467 of 2019 and 24640 of 2019, dated 09.12.2019 will

necessarily have to be set aside, accordingly, set aside.

11.In effect,

(1)The Writ Petition stands dismissed.

(2)The Writ Appeals stand allowed.

(3)There shall be no order as to costs.

(4)Consequently, connected miscellaneous petitions are closed.

[C.V.K., J.]

[R.S.V., J.]

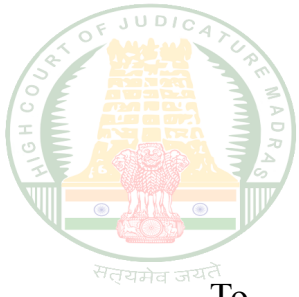
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Index :Yes / No

Internet :Yes / No

NCC :Yes / No

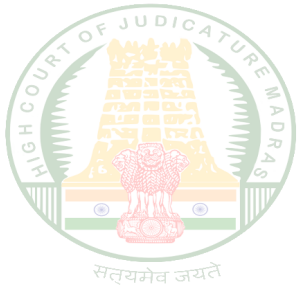
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To
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- 1.The Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Joint Director of School Education,
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- 4.The Chief Educational Officer,
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C.V. KARTHIKEYAN, J.

AND

R.SAKTHIVEL, J.

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and

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