



W.A.Nos.1108 and 1109 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.A.Nos.1108 and 1109 of 2012
and M.P.Nos.1 and 1 of 2012**

W.A.No.1108 of 2012

- 1 Dr.K.Subramanian
Associate Professor In Maths Alagappa
Govt.Arts College Karaikudi
 - 2 Dr.J.Roopkumar
Associate Professor In Physics Alagappa
Govt. Arts College Karaikudi
 - 3 Dr.P.Chellappa
Associate Professor In Physics Alagappa
Govt. Arts College Karaikudi
 - 4 Dr.M.Jeyaraj
Associate Professor In Physics alagappa Govt.
Arts College Karaikudi
 - 5 Dr.P.Perumal
Associate Professor Physics Alagappa Govt.
Arts College Karaikudi
 - 6 Dr.M.Ramasamy
Associate Professor In Physics. Alagappa
Govt. Arts College Karaikudi.
- ... Appellants in both
the appeals



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-Vs-

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Respondents in W.A.No.1108 of 2012

- 1 K.Malathi
Associate Professor Department Of Economics
Arignar Anna Government College For Women
Walajapet.
- 2 Dr.V.Kanthimathi
Associate Professor In Botory Quaid-e-
millath Government College (w) Chennai-2.
- 3 A.R.Rajamani
Associate Professor Of Commerce Thirumagal
Government Arts College Gudiyatham.
- 4 Dr.R.Vedavalli
Associate Professor Department Of English
Presidency College Chennai-5.
- 5 Dr.P.R.Umarani
Associate Professor Department Of Physics
Presidency College Chennai-5.
- 6 Dr.Amutha Pandian
Associate Professor Department Of English
Presidency College Chennai-5.
- 7 R.Sarumathi
Associate Professor Department Of Chemistry
Queen Marrys College Chennai-4.
- 8 Dr.(Mrs). P.Kulamolial
Associate Professor Department Of English
Queen Marrys College Chennai-4.
- 9 R.Geetha Rani
Associate Professor Department Of English
Quaid-millat Govt. College (w) Chennai-2.



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- 10 Mrs.Savithri Sundar
Associate Professor Department Of English
Queen Marrys College Chennai-4.
- 11 P.Asaithambi
Associate Professor Department Of English
Presidency College Chennai-5.
- 12 V.Thangamani
Associate Professor Of Zoology Govt. Arts
College Chidambaram.
- 13 M.ravichandran
Associate Professor Of English Dr.ambedkar
Govt. Arts College Vysarpadi Chennai-39.
- 14 K.Manoharan
Associate Professor Of Physics Periyar Arts
College Cuddalore.
- 15 S.Gnanasekaran
Associate Professor Of Maths Periyar Arts
College Cuddalore.
- 16 R.Jayanthidevi
Associate Professor Of Zoology Periyar Arts
College Cuddalore.
- 17 K.R.Ravindran
Associate Professor Of Geology Govt.
Arts College Salem-636 007.
- 18 G.Jagadeesan
Associate Professor Of Geography Govt.
Arts College Salem-636 007.
- 19 V.Manivannan
Associate Professor Of Geology Govt. Of
Arts College Salem-636 007.



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- 20 C.S.Suriya Narayanan
Associate Professor Of Botony Govt. Arts
College Salem-636 007.
- 21 M.Jayanthi Violet
Associate Professor Of Chemistry Govt.
Arts College For Women Salem-636 008.
- 22 R.Dhanalakshmi
Associate Professor Of Maths Govt. Arts
College For Women Salem-636 008.
- 23 S.Manimozhi
Associate Professor Of Chemistry Govt.
Arts College For Women Salem-636 008.
- 24 N.Kannan
Associate Professor Of Economics Periyar
Arts College Cuddalore.
- 25 Govt Of Tamilnadu
Rep.by The Principal Secretary To Govt.
Higher Education (f2) Dept. Secretariat
Chennai-9.
- 26 Director Of Collegiate
Education Directorate Of Collegiate
Education Dpi Compound College Road
Chennai-6.
- 27 S.Kemasari
S.G. Lecturer In Physics Bharathi Womens
College Chennai.
- 28 Mangaikurparan
SG Lecturer In Home Science Govt Arts
College For Women Madurai



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29 V.Asha

Sg.Lecturer In Physcs Govt. College (men)
Nandanam Chennai-35.

30 P.Vijayalakshmi

SG Lecturer In English Presidency College
Chennai-5.

31 K.Snethal

Selection Grade Lecturer In Chemistry Shre
Meenakshi Govt College For Women Madurai

32 Rubala Juliet

Selection Grade Lecturer In Physics Mvm
Govt Arts College For Women Dindigul

33 E.Fulten Jose Newman

Selection Grade In Botany
Botony Presidency College Chennai 5

34 S.Rajarajan

Selection Grade Lecturer In Microbiology
Presidency College Chennai

35 V.Balakrishnan

Selection Grade Lecturer In Chemistry Dr.
Ambedkar Govt Arts College Vysarpadi
Chennai

36 G.Rajeswari

Selection Grade Lecturer In Physics Govt
Arts College Women Madurai 2

37 K.R.Sekar

Selection Grade Lecturer In Chemistry
Arignar Anna Govt College Attur

38 M.B.Chandrasekaran

Selection Grade Lecturer In Chemistry Govt
Arts Collge Vysarpadi Chennai 39



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39 C.ramakrishnan
Selection Grade Lecturer In Chemistry Rajah
Serfoji Govt Arts Collge Thanjavur

40 L.Mariappan
Selection Grade Lecturer In Chemistry
Aringar Anna Govt College Attur

41 A.N.S.vasudevan
Selection Grade Lecturer In Chemistry
Thiruvalluvar Govt Arts College Rasipuram

42 S.Kalimuthu
Selection Grade Lecturer In Chemistry Govt
Arts College Mettur

43 R.Raju
Selection Grade Lecturer In Chemistry Govt
Arts College Salem 7

44 P.Sathyamoorthi
Selection Grade Lecturer In Chemistry Govt
Arts College Vysarpadi Chennai 39

45 M.Ramachandran
Selection Grade Lecturer In Chemistry
Alagappa Govt Arts Collge Karaikudi

46 Swarna Sethuraman
Selection Grade Lecturer In Physics Queen
Marys Collge Chennai

47 P.S.Raguraman
Selection Grade Lecturer In Sanskrit
Presidency College Chennai 5

48 V.Vasanthakumari
Selection Grade Lecturer In Bio Chemistry
Govt Arts College Sivagangai



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- 49 A.K.Chandra
Selection Grade Lecturer In Sanskrit
Presidency College Chennai 5
- 50 Chandra Venkatasubramanian
Selection Grade Lecturer In Home Science
Queen Marys College Chennai 4
- 51 R.Duraisamy
Selection Grade Lecturer In Botony
Thiruviga Govt Arts College Thiruvavarur
- 52 J.S.Manickarajan
Selection Grade Lecturer In English Govt
Arts College(men) Kumbakonam
- 53 A.S.Malinisamy
Selection Grade Lecturer In English Queen
Marys College Chennai 4
- 54 R.Alagarsamy
Associate Professor In Commerce Alagappa
Govt Arts College Karaikudi
- 55 M.Radhakrishnan
Associate Professor In Commerce Alagappa
Govt Arts College Karaikudi
- 56 V.Balasubramanian
Associate Professor In Commerce Alagappa
Govt Arts College Karaikudi
- 57 S.P.Sathiavageesan
Associate Professor In Geology Alagappa
Govt Arts College Karaikudi
- 58 A.Anwarbasha
Associate Professor In History Alagappa
Govt Arts College Karaikudi



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59 S.M.Sundram
Associate Professor In Commerce Alagappa
Govt Arts College Karaikudi.

60 Dr.R.Vijaya
256 Lenin St Belliyappa Nagar Wallajapet
Vellore District.

... Respondents
in WA 1108

Respondents in W.A.No.1109 of 2012

- 1 K.Rathinam
Associate Professor History Dept Arts
College For Women Namakkal
- 2 Government Of Tamilnadu
Rep.by The Principal Secretary To Govt.
Higher Education Dept. Secretariat Chennai-9.
- 3 Director Of Collegiate Education
DPI Compound College Road
Chennai-6.
- 4 K.M.Prabhu
Lecturer In English Govt. Arts College For
Men Chennai-35.
- 5 K.M.Kandhi
Lecturer In English Queen Marys College
Chennai-4.
- 6 S.Kemasari
SG Lecturer In Physics Bharathi Womens
College Chennai.
- 7 R.Alagarsamy
Associate Professor In Commerce Alagappa
Govt. Arts College Karaikudi



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- 8 Mangaikurubaran
SG Lecturer In Home Science Shri Meenakshi
Govt. Of Arts College For Women Madurai.
- 9 V.Asha
SG Lecturer In Physcs Govt. College (men)
Nandanam Chennai-35.
- 10 P.Vijayalakshmi
SGLecturer In English Presidency College
Chennai-5.
- 11 K.Snethal
Selection Grade Lecturer In Chemistry Shri
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- 13 E.Fulten Jose Newman
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Presidency College Chennai-5.
- 14 S.Rajarajan
Selection Grade Lecturer In Microbiology
Presidency College Chennai-5.
- 15 V.Balakrishnan
Selection Grade Lecturer In Chemistry Dr.
Ambedkar Govt. Arts College Vysarpadi
Chennai.
- 16 G.Rajeswari
Selection Grade Lecturer In Physics Govt.
Arts College Women Madurai-2.
- 17 K.R.Sekar
Selection Grade Lecturer In Chemistry
Arignar Anna Govt. College Attur.



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- 18 M.B.Chandrasekaran
Selection Grade Lecturer In Chemistry
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Selection Grade Lecturer In Chemistry
Government Arts College Mettur.
- 23 R.Raju
Selection Grade Lecturer In Chemistry
Government Arts College Salem 7.
- 24 P.Sathyamoorthi
Selection Grade Lecturer In Chemistry
Government Arts College Vyasarpadi Chennai-39.
- 25 M.Ramachandran
Selection Grade Lecturer In Chemistry
Alagappan Government Arts College Karaikudi.
- 26 Swarna Sethuraman
Selection Grade Lecturer In Physics Queen
Marrys College Chennai.
- 27 P.S.Raguraman
Selection Grade Lecturer In Sanskrit
Presidency College Chennai 5.



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- 28 V.Vasanthakumari
Selection Grade Lecturer In Bio- chemistry
Government Arts College Sivagangai.
- 29 A.K.Chandra
Selection Grade Lecturer In Sanskrit
Presidency College Chennai 5.
- 30 Chandra Venkatasubramanian
Selection Grade Lecturer In Home Science
Queen Marys College Chennai 4.
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Selection Grade Lecturer In Botany
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Selection Grade Lecturer In English Govt.
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Govt. Arts College Karaikudi.
- 35 V.Balasubramanian
Associate Professor In Commerce Alagappa
Govt. Arts College Karaikudi
- 36 S.P.Sathiavageesan
Associate Professor In Geology Alagappa
Govt. Arts College Karaikudi
- 37 A.Anwarbasha
Associate Professor In History Alagappa
Govt. Arts College Karaikudi



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38 S.M.Sundaram

Associate Professor In Commerce Alagappa
Govt. Arts College Karaikudi.

... Respondents in
W.A.No.1109 / 2012

Common Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order in W.P.Nos. 14485 and 15159 of 2011 dated 25.01.2012.

For Appellants : Mr.Godson Swaminath
for Mr.S.Chandrasekar - in both Appeals

In W.A.No.1108 of 2012

For Respondents : Mr.K.Srinivasamoorthy
for M/s.Row and Reddy for RR 1,4,5,16,13&14
Mr.K.V.Sajeev Kumar
Special Government Pleader-for RR 25 and 26
RR 7 to 12, 15, 21 to 23, 32, 35, 38, 44, 48,
51, 54 to 60 - Served No appearance
R 20 & 41 - Died, steps due

In W.A.No.1109 of 2012

Mr.K.V.Sajeev Kumar
Special Government Pleader-for RR 2 and 3
in W.A.No.1109 of 2012
RR 7, 12, 15, 18, 21, 24, 28, 31, 34 to 38
- Served No appearance, R20 - Died steps due

COMMON JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

Since the issue raised in these writ appeals is common, with the consent of the learned counsel for both sides, these writ appeals were heard together and are disposed of by this common judgment.



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2. The appellants were some of the respondents in the respective writ petitions ie., W.P.Nos.14485 and 15159 of 2011. Those two writ petitions were heard along with connected writ petitions and a common order was passed on 25.01.2012.

3. Insofar as those two writ petitions are concerned, the issue is the appellants were originally working as Assistant Professors at Alagappa College of Arts and Science at Karaikudi and they wanted to be absorbed on permanent basis at the Tamil Nadu Collegiate Educational Service and therefore the Government had come forward to issue a Government Order in G.O.Ms.No.344, Education (F2) Department dated 27.03.1989.

4. Under the said Government Order, among other things, the Government has passed the following order.

".....

4. The Government accordingly absorb and appoint the persons whose names are mentioned in the annexure I to this order with effect from 01.05.1985 in the Tamil Nadu Collegiate Educational Service subject to the following conditions:-

Condition:1 : The actual rates of pay drawn by the staff as on 01.05.1985 shall be procted by fixing their initial pay in Government Service at a



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stage corresponding to the pay drawn by them on 01.05.1985 and the regular increment be permitted.

Condition 2 : Such of the staff members who do not satisfy the age limit and the prescribed qualification shall be granted necessary relaxation for their absorption to the respective posts.

Condition 4 : The seniority of the employees shall be fixed with reference to the dates of their absorption as it existed prior to their dates of absorption."

5. In the said Government Order, especially in Para 4 as extracted herein above, these appellants were drawn from the Alagappa College of Arts and Science and were absorbed on permanent basis with effect from 01.05.1985 in the Tamil Nadu Collegiate Educational Service subject to certain conditions.

6. Condition No.4 relates to the seniority, which says that the seniority of the employees shall be fixed with reference to the dates of their absorption. The date of absorption in the Tamil Nadu Collegiate Educational Service is 01.05.1985 and therefore, in order to fix the inter-se seniority among various other Assistant Professors, who had already been working or had already been drawn from other sources like appointment under Rule 10(a)(1) of the Tamil Nadu State and Subordinate Services, as well as upgradation from the post of Tutor-cum-Demonstrator in the very same Department, the date of absorption ie., 01.05.1985 shall be taken into account.



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7. When that being the position, it appears to be the grievance of these appellants, which triggered them to file the writ appeal is that, their seniority shall not be taken into account only with effect from 01.05.1985, instead it should be taken into account from the date of the initial appointment that has been made at the Alagappa College of Arts and Science, where they claimed to have been appointed prior to 1985 like 1981 or 1982 etc.,

8. This concession they expect because, insofar as the Rule 10(a)(1) appointees are concerned, when regularization has taken place, it had taken place with effect from the date of initial appointment under Rule 10(a)(1). Therefore, if a person who got appointed under Rule 10(a)(1) in 1983 will get seniority from 1983, whereas, if one among these appellants, even though appointed in 1981 or 1982 will not earn that seniority and he will be placed in the seniority list only with effect from 01.05.1985. Therefore, naturally he will be junior to those Rule 10(a)(1) appointees who have been subsequently regularized.

9. This appears to be the grievance of the appellants. Therefore, as against the order passed by the learned Judge in the writ Court dated 25.01.2012, wherein the learned Judge directed to fix the inter-se seniority



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among the candidates drawn from the three sources based on the initial appointment insofar as the Rule 10(a)(1) appointees are concerned and from 01.05.1985 insofar as these appellants are concerned, these appeals are filed.

10. In this context, Mr.Godson Swaminath learned counsel for the appellants would contend that, 01.05.1985 has to be taken into account only for the absorption permanently at the Collegiate Educational Services, that does not mean that these appellants would lose the seniority as they had been seniors to some of Rule 10(a)(i) appointees, as these appellants were appointed in the Alagappa College of Arts and Science well prior to 1985, for instance 1981 or 1982 or even 1983.

11. Therefore, four years or three years service that has been rendered by these appellants prior to their absorption at the Collegiate Educational Services, was also to be taken into account for the purpose of fixing their seniority, is the grievance of the appellants to be espoused.

12. We have heard the learned Special Government Pleader and also the learned counsel for the contesting respondents.



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13. Insofar as the absorption of the present appellants from Alagappa College of Arts and Science to the Tamil Nadu Collegiate Educational Service is concerned, the only source for their absorption is G.O.Ms.No.344, Education Department dated 27.03.1989. The import of the said Government Order, particularly in paragraph 4, which has already been quoted above the Government made it very clear that, the Government accordingly absorb and appoint the persons whose names are mentioned in annexure-1 of the order with effect from 01.05.1985 in the Tamil Nadu Collegiate Educational Services subject to certain conditions.

14. Among other conditions, condition No.4 is relevant, which makes it clear that the seniority of the Assistant Professors shall be fixed with reference to the date of their absorption as it existed prior to their date of absorption.

15. Therefore, 01.05.1985 is the date fixed by the Government under G.O.Ms.No.344. As on that date, they were absorbed and appointed as Assistant Professors in Tamil Nadu Collegiate Educational Service. Therefore, for the purpose of fixing the inter-se seniority, among various conditions insofar as these appellants are concerned, the date viz., 01.05.1985 alone shall be the criteria.



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16. In other words, whoever be appointed either prior to the original date of appointment of these appellants in Alagappa College of Arts and Science or subsequent to 01.05.1985, that is immaterial insofar as fixing the inter-se seniority for these appellants because, insofar as these appellants are concerned, the date of their absorption in Tamil Nadu Collegiate Education shall be taken into account as the date for the purpose of fixing the inter-se seniority.

17. Therefore, the grievance, if at all anything is available for these appellants, is that, if anyone who has got appointed under Rule 10(a)(1) after 01.05.1985 and if they have been placed ahead of these appellants in fixing the inter-se seniority of various candidates from the aforesaid three sources, certainly that would be the real grievance of these candidates.

18. However, it is not the case here, as admittedly no one who have been appointed initially under Rule 10(a)(1) after 01.05.1985 has been placed above these appellants. Therefore, absolutely there cannot be any grievance.

19. In this context, the learned Judge, in the order impugned has made it very clear that insofar as Rule 10(a)(1) appointees are concerned, their



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seniority shall be reckoned from the date of their initial appointment, as the regularization of their services had also been made from the date of their initial appointment, that too after getting concurrence from the TNPSC.

20. When that being the position, the present appellants cannot have any grievance, as their seniority has been fixed from 01.05.1985 because they were absorbed and appointed in the Tamil Nadu Collegiate Educational Service only with effect from 01.05.1985. Therefore, they cannot march over any other candidates, who have been appointed under Rule 10(a)(1) prior to 01.05.1985. This position has been made very clear in the impugned order. Hence, we do not find any error in the said order. Hence, these writ appeals fail and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

(R.S.K.,J..) (K.B.,J.)
17.07.2023

Index : Yes/No
Internet : Yes/No
KST

To

25 The Principal Secretary To Govt.
Higher Education (f2) Dept. Secretariat
Chennai-9.

26 Director Of Collegiate Education Directorate Of Collegiate
Education Dpi Compound College Road , Chennai-6.



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R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

KST

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