



W.A.No.1148 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.No.1148 of 2020
and C.M.P.No.14153 of 2020**

S.Sathish Kumar
S/o.Settu

... Appellant

-Vs-

The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
Chennai. 600 006.

... Respondent

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent, to set aside the order in W.P.No.28969 of 2019, dated 04.03.2019.

For Appellant	:	Ms.K.Abhirami for Mr.V.Raghavachari
For Respondents	:	Mr.K.Sathish Kumar Standing Counsel



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JUDGMENT

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

This intra-court appeal has arisen out of the order passed by the Writ Court in W.P.No.28969 of 2019 along with some other writ petitions by way of common order dated 04.03.2019.

2. Heard Ms.K.Abhirami, learned counsel appearing for the appellant and Mr.K.Sathish Kumar, learned Standing Counsel appearing for the respondent.

3. In fact, the common impugned order has already been challenged in some of the writ appeals before this Court, where the First Division Bench of this Court in the case of ***V.Kalamegakannan Vs. The Teachers Recruitment Board and anr.*** in ***W.A.No.3812 of 2019*** had set aside the order passed by the Writ Court, which has been followed by another Division Bench in the case of ***R.Padmini Vs. Teachers Recruitment Board*** in ***W.A.No.3275 of 2019*** by judgment dated 30.07.2020, where the Division Bench has passed the following order:

“8. Today, when this Writ Appeal was taken up for final disposal, Mr.Munusamy, the learned Special Government Pleader fairly conceded that the issue is now covered by a



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decision passed on 30.01.2020 by the Hon'ble First Bench of this Court while disposing a batch of writ appeals (in W.A.No 3812 of 2019 and batch, in V.Kalamegakannan Vs. The Teachers Recruitment Board and Another).

9. By the said order the Hon'ble First Bench of this Court considered G.O.(Ms) 143, School Education (SE3(1)) Department, Dated 19.08.2019; G.O.(Ms) No.9, Youth Welfare and Sports Development (YW2) Department, dated 27.01.2020 and G.O.(Ms)No.218, School Education [SE3(1)] Department, dated 06.12.2019. After extracting these government orders the court held as follows:-

“5. A perusal of the above Government Orders shows that they are in compliance of the directions issued by the High Court (Madurai Bench), whereafter an Equivalence Committee was constituted and the Equivalence Committee vide its meetings, as referred in the Government Orders, proceeded to grant equivalence in the manner indicated therein. In the present set of appeals, the equivalence as set out is being claimed by the appellants and they contend that the said Government Orders cover their cases.

6. Learned Additional Advocate General appearing for the State has not disputed the issuance of the Government Orders aforesaid, but



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contends that in the event the appellants are covered by the said Government Orders, the Government shall consider their candidature, provided they fulfill other eligibility conditions.

7. Having considered the submissions, we find that the judgments of the learned Single Judge deserve to be set aside and accordingly, the impugned judgments dated 22.2.2019, 27.2.2019, 4.3.2019 and 6.3.2019 are set aside with a direction to the Government to consider the candidature of the appellants in terms of the Government Orders, referred to herein above, and pass appropriate orders within six weeks, as prayed for.

The appeals are accordingly allowed on the above terms.”

10. The impugned order of the learned Single Judge was also challenged in some of the Writ Appeals which came to be disposed by the Hon'ble First Bench of this Court along with other Writ Appeals. Thus, the impugned order of the learned Single Judge has already been set aside.

11. In the light of the above, we are also inclined to allow this Writ Appeal by setting aside the order of the learned Single



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Judge. Therefore, the impugned order passed by the learned Single Judge is set aside. The respondent is therefore directed to consider the candidature of the appellant in terms of the Government Orders referred to above and in the said decision of the Hon'ble First Bench of this court.

12. The Writ Appeals is accordingly allowed on the above terms. No cost. Consequently, connected Miscellaneous Petition is closed.”

4. In view of the said order having been passed by more than one Division Benches, where the common impugned order passed by the Writ Court having been considered was set aside and the writ appeals were allowed, we are inclined to allow this writ appeal also. Accordingly, this writ appeal is allowed. No costs. Connected miscellaneous petition is closed.

(G.A.M.,J.)

(R.S.K.,J.)

22.12.2023

Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes/No
mp

To

The Chairman,
Teachers Recruitment Board,



W.A.No.1148 of 2020

4th Floor, EVK Sampath Building,
Chennai. 600 006.

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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

mp

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