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W.P.No.6078



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.No.6078 of 2023

R.Muthukumar

: Petitioner

Vs.

1.The Chairman and Managing Director,
TANGEDCO,
844, Anna Salai, Mount Road,
Chennai-600002.

2.The RTI Officer,
TANGEDCO,
844, Anna Salai. Mount Road,
Chennai-600002.

3.K.Ramesh

4.P.S.Baskaran

5.S.Suresh

6.D.C.Karthikeyan

7.G.Ayyanar

8.U.Thirugnanam

9.G.Chakkaravarathi

10.S.Kanagarathinam

: Respondents

R3 to R10 impleaded vide order dated 25.11.2025
in WMP Nos.8457 of 2024, 13129, 13131,13134,
13135, 13136, 13139 & 13144 of 2025



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the first respondent herein namely the Chairman and Managing Director, TANGEDCO, 844, Anna Salai, Mount Road, Chennai-600002, to appoint the petitioner herein to the post of ITI Helper (Trainee) in respect of the direct recruitment for the year 2013-2014 in the respondent TANGEDCO Corporation on account of the marks obtained by the petitioner compared to the lesser marks obtained by other candidates who were appointed by the respondent TANGECO Corporation within a time frame that may be stipulated by this Court.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents : Mr.R.Nikkhilesh Athav
For Mr.K.Rajkumar
Standing Counsel

ORDER

The impleading petitions in WMP Nos.8457 of 2024, 13129, 13131,13134, 13135, 13136, 13139 & 13144 of 2025 are ordered and the Registry is directed to carry out necessary amendment in the cause title.

2. This writ petition has been filed seeking a direction directing the first respondent to appoint him in the post of ITI Helper as per the notification for filling up the vacancies of Helper by direct recruitment for the year 2013-14 as per the marks obtained by the petitioner.

3. The petitioner has already approached this Court for a direction to appoint him as per the settlement memo and the same was rejected. Aggrieved by the



same, the petitioner also filed writ appeal and the same was also dismissed by order dated 02.08.2018. Aggrieved by the same, the petitioner also filed an appeal before the Hon'ble Supreme Court. The Hon'ble Supreme Court dismissed the appeal in Civil Appeal No.1144 of 2022 and confirmed the order passed by this Court. The relevant portion of the order is as follows:

26. Before discussing the ratio of the judgment, it would be useful to extract the factual context from which the dispute arose:

“9. The moot question which requires determination is as to whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgment of the Tribunal, which had attained finality as it was affirmed till the Supreme Court. Whereas the Appellants contend that the Respondents herein did not approach the Court in time and were fence-sitters and, therefore, not entitled to the benefit of [the said judgment](#) by approaching the judicial forum belatedly. They also plead some distinguishing features on the basis of which it is contended that the case of the Respondents herein is not at par with the matter which was dealt with by the Tribunal in which order dated June 22, 1987 were passed giving benefit to those candidates who had approached the Court at that time.”

27. It is thus, evident that in [Aravind Kumar Srivastava](#) (supra) the previous orders of the tribunal and the court were based on merits adjudication, and not based on concession; certainly not based on compromise. It was in the background of such facts that denial of relief to similarly situated claims, was held to be unjustified. Most importantly, for the purpose of this case, the court carved out an exception: that subsequent litigants, wishing to benefit from orders made in others' cases, had to approach the courts in time, without delay or laches. In the facts of this case, there is no question of any finality to the compromise order: it cannot be treated, by any stretch of the imagination, as an order in rem, or as a binding precedent. Also, the aggrieved appellants, and the contesting candidates (in TANGEDCO's appeal) did not approach the court in time.



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They woke up after the compromise order, claiming parity, and filed petitions in the court. Clearly, therefore, they cannot claim any benefit from the compromise order.

28. A principle, axiomatic in this country's constitutional lore is that there is no negative equality. In other words, if there has been a benefit or advantage conferred on one or a set of people, without legal basis or justification, that benefit cannot multiply, or be relied upon as a principle of parity or equality. In *Basawaraj & Anr. v. Special Land Acquisition Officer*¹⁴, this court ruled that:

“8. It is a settled legal proposition that *Article 14* of the Constitution is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some other similarly situated persons have been granted some relief/benefit inadvertently or by mistake, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated.”

29. Other decisions have enunciated or applied this principle (Ref: *Chandigarh Admn. v. Jagjit Singh*¹⁵, *Anand Buttons Ltd. v State of Haryana*¹⁶, *K.K. Bhalla v. State of M.P.*¹⁷; *Fuljit Kaur v. State of Punjab*¹⁸, and *Chaman Lal v. State of Punjab*¹⁹). Recently, in *The State of Odisha v. Anup Kumar Senapati*²⁰ this court observed as follows:

“If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing a similarly wrong order. A wrong order/decision in favour of any particular party does not entitle any other party to claim benefits on the basis of the wrong decision.”

30. In view of the foregoing, it is held that the aggrieved appellants, and the respondent applicants (in TANGEDCO's appeal) could not claim the benefit of parity; their writ petitions were founded on the compromise order, which cannot be justified in law. The appeals of the aggrieved appellants, against the judgment and order of the Division Bench of the Madras High Court dated 02.08.2018, has to fail; it is accordingly dismissed. For the same reasons, TANGEDCO's appeals, (against (2013) 14 SCC 81 (1995) 1 SCC 745 (2005) 9 SCC 164 (2006) 3 SCC 581 (2010) 11 SCC 455 (2014) 15



SCC 715 2019 SCC Online SC 1207 the order of 29.04.2019 of the Madras High Court in Writ Appeal Nos. 1071, 1072 of 2016, Writ Petition Nos. 8150, 10266, 10267, 17997, 17998, 29113, 29114, 29115, 29116, 33743, 33744, 33745, 39292, 39673, 41609, 41610 of 2016, and Writ Petition Nos. 13948 13949, 13950, 13951, 13952, 13953, of 2017, Writ Petition Nos. 1808, 18576, 18624 of 2018) succeed and are allowed. In the circumstances of this case, there shall be no order as to costs.

4. Once again the present writ petition has been filed re-agitating the very same issue on different ground that the persons who scored lesser marks than the petitioner were appointed to the post of Helper but the petitioner prayed for direction directing the respondents to appoint the petitioner to the post of ITI Helper instead of challenging the selection list. Once the very same issue already dealt with by this Court and confirmed by the Hon'ble Supreme Court of India, the petitioner cannot re-agitate the very same issue on different ground. Therefore, the writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, the writ petition stands dismissed. No costs.

25.11.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn



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To

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G.K. ILANTHIRAIYAN, J.

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