



WEB COPY



W.A.No.653 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.653 of 2025

and

C.M.P.No.5371 of 2025

1.The State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort St. George,
Chennai - 600 009.

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

... Appellants

Vs.

1.C.Kullakaruppan

2.V.Sakthivel

3.M.Thanigachalam

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 04.10.2024 made in W.P.No.10594 of 2024 and allow the Writ Appeal.



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For Appellants : Mr.R.Neethi Perumal,
Government Advocate

J U D G M E N T

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

Challenge to G.O.Ms.No.321 dated 22.12.2010, in and by which, the respondents were brought under the consolidated pay instead of regular time scale of pay, was upheld by the writ Court, leading to this appeal.

2. The respondents were working in Model Schools which were run under the AGES of the Central Government. Those Schools were taken over by the State Government during the year 2015-16. Upon take over, the teachers working in Model Schools were brought under regular time scale of pay. But, the respondents, who were working as non-teaching staff, basically doing menial duties were retained under the consolidated pay, on the ground that they were appointed under G.O.Ms.No.321 dated 22.12.2010.

3. The claim of the respondents was that there was discrimination between the teaching and non-teaching staffs and that they having been



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appointed to the post which forms part of the basic services regularization cannot be denied to them. The writ Court had accepted both the submissions and had found that there has been discrimination on the part of the Government in treating the teaching and non-teaching staffs differently. The writ Court also found that the respondents who were working as sweepers and watchmen do come within the 86 enumerated posts under the Tamil Nadu Basic Services and hence the judgment of the Full Bench in ***M.Sivappa Vs. The State of Tamil Nadu*** made in ***W.P.No.23823 of 2023*** dated ***26.02.2024*** would apply. On the above conclusion, the writ Court allowed the writ petition directing regularization of the services of the respondents. Aggrieved the State is on appeal.

4. The issue is no longer *res integra*. In a similar situation, the Division Bench of this Court in W.A.(MD.)No.17663 of 2014 dated 25.01.2018 held that these persons must be regularized and G.O.Ms.No.321 dated 22.12.2010 in so far as it discriminates between the teaching and non-teaching staffs cannot be held to be valid. In the light of the above conclusions and the judgment of the Full Bench, which conferred the benefits of persons who were working under the Tamil Nadu Basic Services, we are unable to fault the writ Court for having allowed the writ petition.



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5. Hence, the Writ Appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)
13.03.2025

dsa

Index : No

Neutral Citation : No

Speaking order

To

1.The Secretary,
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