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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.9441 of 2025

and

W.M.P.Nos.10614, 10615 & 11201 of 2025

S.Madheswaran

Vs.

1.The State

Rep. by its Secretary,
Department of Law,
Secretariat, Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2.The Member Secretary,

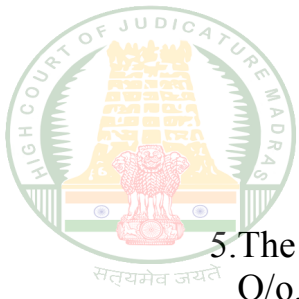
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

3.The Chairman,

University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

4.The Registrar,

Tamil Nadu Dr.Ambedkar Law University,
Greenways Road,
Chennai – 600 028.



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5. The Director,
O/o. Directorate of Legal Studies,
Kilpauk, Chennai – 600 010.

6. The State,
Rep. by its Secretary,
Department of Higher Education,
Secretariat, Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of Notification / Advertisement No.1 of 2025 dated 24.01.2025 issued by the 2nd respondent and quash the same and consequently, direct the 2nd respondent to issue fresh Notification in line with the UGC norms and regulations with Higher Education Department of Tamil Nadu Rules and Regulations.

For Petitioner .. Mr.G.Thiyagarajan

For R1, R4 & R6 .. Mr.D.Ravichander, Spl. Govt. Pleader

For R2 .. Mr.K.Sathish Kumar, Standing Counsel

For R5 .. Nallathambi

ORDER



The Writ Petition has been filed in the nature of a Certiorarified

Mandamus, calling for the records of Notification No.1 of 2025 dated 24.01.2025 issued by the 2nd respondent and to quash the same and consequently, direct the 2nd respondent to issue fresh notification in line with the UGC norms and regulations with Higher Education Department of Tamil Nadu Rules and Regulations.

2.The petitioner had applied for the post of Assistant Professor (Pre-Law) consequent to notification issued by the 2nd respondent / Teachers Recruitment Board dated 24.01.2025.

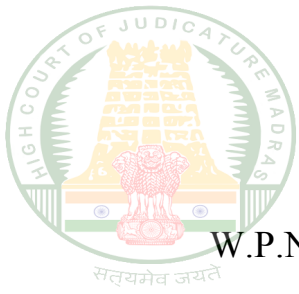
3.The learned counsel for the petitioner stated that the writ petitioner belongs to Scheduled Caste community and therefore, there must be a relaxation in age of five years granted and therefore, contended that the maximum age limit of 40 should be relaxed to 45 years and further, in accordance with the experience, one additional year must be granted. However, in the notification, it is contended that this particular relaxation of additional five years has not been granted to the petitioner, who belongs to the Scheduled Caste community.



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4. It is seen from the notification that vertical reservation has been granted and it had been very specifically stated that 69% of the communal reservation would be followed vertically as per existing Government Rules/Orders, namely, 18% shall be reserved for the Scheduled Caste including 3% reservation for the Scheduled Caste Arunthathiyars (SCA) on preferential basis amongst the Scheduled Caste, 1% for the Scheduled Tribes and further percentage for other communities. It is however stated that horizontal reservation for age relaxation has not been provided horizontal reservation is applicable for 30% of women within the vertical reservation. There cannot be a further horizontal reservation within the horizontal reservation. The view stated by the learned counsel for the petitioner may therefore not withstand the judicial scrutiny. There can be vertical reservation and within the vertical reservation, there can be a horizontal reservation for women, for physically disabled and for such other special categories. But, within the horizontal reservation, there cannot be a further reservation with respect to age. I am not able to accede to the contention raised by the learned counsel for the petitioner.

5. Similar matters had come up for consideration before this Court in

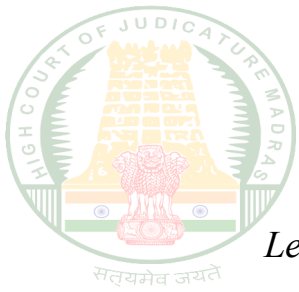


W.P.Nos.5860 & 5165 of 2025 and by common order dated 27.02.2025, this

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“3. The only issue raised in these Writ Petition is with respect to the criteria relating to the age within which the candidate could be considered eligible to apply for the said post. Under the notification dated 24.01.2025, the Teacher Recruitment Board stipulated the age as on 01.07.2025. It had been contended that no person shall be eligible for appointment by direct recruitment to the post of Assistant Professor and Assistant Professor (Pre-Law), if he / she had completed the age of 40 years as on 01.07.2025. It had also been further provided that for the appointment to the post of Assistant Professor, for each year of service, whether regular or temporary, in any of the teaching course in a law college in the State, the age limit will be increased by one year subject to a maximum for five years.

4. The only interpretation that could be given to this particular stipulation is that as on 01.07.2025, the candidate who aspires to apply to the post of Assistant Professor (Law) and Assistant Professor (Pre-Law) should not have crossed the age of 40 years. But however, if the said candidate had served in a teaching profession either on regular basis or on part time basis which could also include a Guest Lecturer, then one year weightage is given for each year of such service rendered as

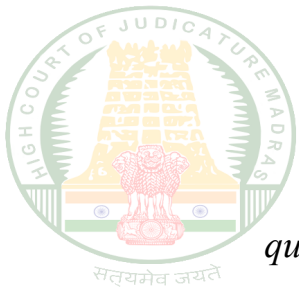


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Lecturer either full time or part time. But that would be subject to a maximum of 5 years. This would automatically increase the eligible age criteria to 45 years to those, who had put in 5 years of service as part time or full time as teacher in law in any Law College within the State.

5. This particular guideline relating to the age flows from G.O.Ms.No. 233, Law (LS) Department, dated 11.04.2022. That particular Government Order had been passed consequent to orders of a Division Bench of this Court in W.P.Nos. 19534 of 2018 batch and RA No. 195 of 2019 in W.A.No. 533 of 2018. In the aforementioned Writ Petition/ Writ Appeal, the Division Bench of this Court by an order dated 19.08.2021 had examined the conditions which are required to be stipulated for the post of Assistant Professor (Pre-Law) course in Government Law Colleges in the State of Tamilnadu. It had been stated that consequent to the directions issued by the Division Bench and in conformity with those guidelines, G.O.Ms.No. 233, Law (LS) Department, dated 11.04.2022 had been passed by the Government. It is to be noted that this particular Government Order is not put to challenge by the writ petitioners herein.

6. In the said Government Order, while examining the rules relating to the Tamil Nadu Legal Educational Service as provided under Section 33 in Part -II of Tamil Nadu Service Manual 2016, special rules were enacted. The rules do not relate only to the



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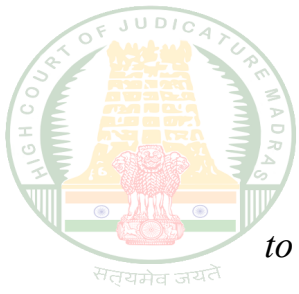
qualification but to a series of issues relating to constitution of the categorise of Officers, appointment to the said categories which included Director of Legal Studies, Principals of Law Colleges, Associate Professors, Assistant Professors and Part time Lecturers and also College Librarian. The education and age criteria were prescribed in the Government Order. The appointing authority was also prescribed and it had been very specifically stated that the appointing authority to the post of Director of Legal studies, Principal, Assistant Professor, Associate Professor, Part time Professor and a College Librarian shall be the Government. Thereafter, with respect to qualification and with specific reference to age, it had been provided in the Government Order that for the post of Assistant Professor including Assistant Professor (Pre-law), the upper age limit would be 40 years. It had also been provided further that if the candidate for the post of Assistant Professor and Assistant Professor had put in service as teacher in any Law college in this State as a regular teacher or as a temporary teacher, for each year of such service, one additional year could be granted. But however, it had been further stated that this increase in the number of years over and above 40 would be only for a further 5 years. This would automatically mean that if a person had been in the teaching profession for 5 years continuously either in temporary basis or in part time basis or whole time basis, then he would gain 5 years over and above the prescribed age limit of 40, but the outer age limit can never exceed 45 years.



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7. *The Government Order further examined the method of recruitment for the post of Director of Legal studies for the post of Principal and also for the posts of Assistant Professor and for Assistant Professor. For the post of Assistant Professor, it had been stated that the post would only be filled through Direct Recruitment and the educational qualification required have been very specifically given in the Government Order.*

8. *To reiterate, this Government Order had been passed only consequent to directions issued by this Court in a W.P.No. 19534 of 2018 batch and R.A.No. 195 of 2019 in W.A.No. 533 of 2018 by order dated 19.08.2021. It has also been brought to the notice of this Court that quite apart from the orders of the Division Bench referred supra, a learned Single Judge of this Court in W.P.No. 6856 of 2018 [P.Vasantha Kumar Vs. Government of Tamil Nadu, represented by the Secretary to Government, Chennai and others] by an order dated 07.11.2024 had further examined the issue of filling up of posts in Government Law Colleges of Assistant Professor and Assistant Professor (Pre-law). It had been observed that a substantial number of posts were vacant and accordingly, the learned Single Judge had thought it would be expedient to constitute an Expert Committee to monitor the recruitment process for the posts of Assistant Professor, Assistant Professor (Pre-law) and Associate Professor in Government Law Colleges. Accordingly, an Expert Committee had also been formed*



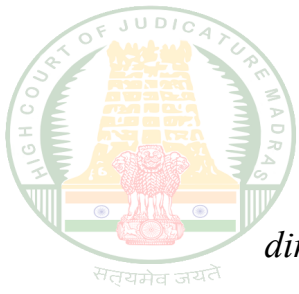
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to be headed by a Former Judge as the Chairman of the Expert Committee and also have as members, a Senior Counsel of this Court and a retired IAS Officer. The Committee had been constituted consequent to the directions of the learned Single Judge.

9. Very specific arguments had been advanced on behalf of the respondents that the Committee had also examined the conditions as prescribed in the notification issued on 24.02.2025 and the Committee had not thought it fit to bring in any amendment to any of the stipulations prescribed in the notification even with respect to the age criteria.

10. It is thus seen that consciously the Teacher Recruitment Board had followed the guidelines as stipulated in G.O.Ms.No. 233, Law (LS) Department, dated 11.04.2022 which was issued only on directions of this Court in the order as stated above. It prescribed the eligibility criteria with respect to the age of Assistant Professor and Assistant Professor (Pre-law) as 40 years with a possibility of 5 added years depending on the experience obtained in teaching either on part time or on full time in a Law College for a maximum of five years.

11. The relief sought in these Writ Petitions is to revisit this particular condition as prescribed in the G.O.Ms.No. 233, Law (LS) Department, dated 11.04.2022. This Court is bound by the



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directions issued by the Division Bench in W.P.Nos. 19534 of 2018 and etc., batch and R.A.No. 195 of 2019 in W.A.No. 533 of 2018.

12. When directions had been issued in the aforementioned Writ Petitions/ Writ Appeal by the Division Bench, it would be extremely inappropriate on the part of this Court to give a go by to those directions and issue fresh guidelines for the consideration of the Government. That would defeat the purpose of the Judgment rendered by the Division Bench.

13. The learned Single Judge in W.P.No. 6856 of 2018 had also thought it fit to only form an Expert Committee to examine the issues relating to the recruitment to the posts of Associate Professor, Assistant Professor and Assistant Professor (Pre-Law). The learned Single Judge, had not given any fresh directions but had constituted a Committee by to examine the recruitment process and monitor the recruitment process. No specific guidelines or stipulations have been passed in direct contradiction to the order of the Division Bench.

14. If this Court were to relax the age criteria, it would commit itself to arbitrariness particularly as an issue would arise as to how many years should the age be relaxed. In W.P.No. 5165 of 2025, the petitioner had categorised himself as being aged 45 years and the Writ Petitioner in W.P.No. 5860 of 2025 had categorised himself as aged 50 years on the date of filing of the writ petition. There could be others in waiting, who would be 55



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years or who would be 56 years or who would be 60 years and upwards. Thus, it would only be prudent that no relaxation beyond what had been prescribed in the rules and regulations is granted by this Court. The two petitioners alone cannot be cherrypicked and their age relaxed.

15. It is also to be noted that a Constitution Bench of the Hon'ble Supreme Court in the Judgment reported in **(2025) 2 SCC 1 [Tej Prakash Pathak and Others Vs. Rajasthan High Court and Others]** had examined the issue of “changing of the rules of the game”. It had been very specifically stated that once a notification had been issued, there could be no change in any of the prescriptions as given in the notification for the recruitment. The directions issued by the Constitution Bench are given below:-

“65. We, therefore, answer the reference in the following terms:

65.1. Recruitment process commences from the issuance of the advertisement calling for applications and ends with filling up of vacancies;

65.2. Eligibility criteria for being placed in the select list, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement,



the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;

65.3. *The decision in **K. Manjusree [K. Manjusree v. State of A.P., (2008) 3 SCC 512 : (2008) 1 SCC (L&S) 841]** lays down good law and is not in conflict with the decision in **Subash Chander Marwaha [State of Haryana v. Subash Chander Marwaha, (1974) 3 SCC 220 : 1973 SCC (L&S) 488]**. **Subash Chander Marwaha [State of Haryana v. Subash Chander Marwaha, (1974) 3 SCC 220 : 1973 SCC (L&S) 488]** deals with the right to be appointed from the select list whereas **K. Manjusree [K. Manjusree v. State of A.P., (2008) 3 SCC 512 : (2008) 1 SCC (L&S) 841]** deals with the right to be placed in the select list. The two cases therefore deal with altogether different issues;*

65.4. *Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its logical end provided the procedure so adopted is transparent, non-discriminatory/non-arbitrary and has a rational nexus to the object sought to be achieved;*

65.5. *Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the rules are non-existent, or silent, administrative instructions may*



fill in the gaps;

65.6. *Placement in the select list gives no indefeasible right to appointment. The State or its instrumentality for bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list. ”*

16. It had been very specifically stated that a candidate should come within the zone of selection list and only when he conforms to the eligible criteria with respect to all aspects including education criteria, age criteria and all other factors should he/she be considered for selection.

17. The learned counsel for the petitioner in W.P.No. 5165 of 2025 pointed out the counter affidavit filed on behalf of the respondents and very specifically pointed out the stand of the respondents that with respect to the age limit prescribed for recruitment to the post in Dr.Ambedkar Law University would not apply to the teaching posts in Government Law College and stated that there was a contradiction in such stand.

18. In this connection, the learned counsel for the writ petitioner in W.P.No. 5860 of 2025 drew notice to the notification

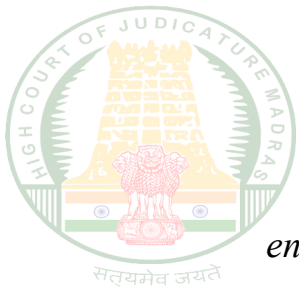


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issued for recruitment for the very same post to the Dr.Ambedkar Law University in the year 2022, wherein the age limit had been prescribed as 57 years. It had therefore been contended that the age limit prescribed by the Teacher Recruitment Board must be in conformity with the age limit as prescribed by the Dr.Ambedkar Law University for recruitment to the similar posts and there cannot be any different standard.

19. But however in the counter affidavit, it had been very specifically stated by the respondents that with respect to the Government Law Colleges, the appointing authority is the Government and not Dr.Ambedkar Law University. It had been contended that Dr.Ambedkar Law University is governed by the guidelines prescribed by the Syndicate of the University. Incidentally, it must also be pointed out that G.O.Ms.No. 233, Law (LS) Department, dated 11.04.2022 had examined the directions given by the Division Bench and it had been stated that directions had also been issued with respect to the appointing authority and it had been very specifically stated that the appointing authority for the posts of Assistant Professor (Pre Law) would only be the Government and not Dr.Ambedkar Law University. That has been very clearly stated in the Government Order itself.

20. I am afraid the issue of relaxation of age cannot be



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entertained by this Court and a Mandamus cannot be issued contrary to the notification issued by the Teacher Recruitment Board. To repeat this would only lead to arbitrariness and every individual above the age of 40 would now seek relaxation and to be considered for the post. As a matter of fact there could also be demand to increase the 5 years which is granted for those who have experience.

21. In view of these reasons, the Writ Petitions stand dismissed. No order as to costs. Consequently, connected Miscellaneous Petition stands closed.

6.It is informed that a Writ Appeal in W.A.No.730 of 2025 had also been filed and the same was dismissed by judgment dated 12.03.2025.

7.In view of the above reasonings, I hold that there are no grounds to entertain the writ petition. Accordingly, the Writ Petition stands dismissed. No cost. Consequently, connected Writ Miscellaneous Petitions are closed.

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Internet: Yes/No



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To

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Department of Law,
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C.V.KARTHIKEYAN,J.

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