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W.A.Nos.1420, 1432 and 1434 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

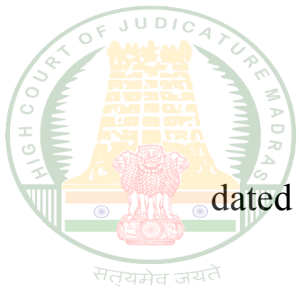
THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MRS.JUSTICE **K. GOVINDARAJAN THILAKAVADI**

W.A.Nos. 1420, 1432 and 1434 of 2025
and CMP Nos.10840, 10899 and 10905 of 2025

S.Muruganandhan ...Appellant in WA No.1420 of 2025
D.Rajeshkannan ...Appellant in WA No.1432 of 2025
R.Thamil Mani ...Appellant in WA No.1434 of 2025
Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Law Department,
Secretariat, Chennai 600 009.
2. Teachers Recruitment Board,
Rep. by its Secretary, 4th Floor,
Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006. ...Respondents in all the Appeals

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the common order passed in WP Nos.9305, 9302 and 9298 of 2025
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dated 17.03.2025 respectively.

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For Appellants : Mr. K.Balu
(in all the Appeals)

For Respondents : Mr. D.Ravichander,
(in all the Appeals) Special Government Pleader, for R1

Mr.R.Neelakandan,
Additional Advocate General
Asst. by Mr.C.Kathiravan
Special Government Pleader, for R2

COMMON JUDGMENT

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

We have heard Mr.K.Balu, learned counsel appearing for the appellant and Mr.D.Ravichander, learned Special Government Pleader appearing for the first respondent and Mr.R.Neelakandan, learned Additional Advocate General, assisted by Mr.C.Karthiravan, learned Special Government Pleader appearing for the second respondent.



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2. The appellants sought for a Writ of Mandamus directing the respondents to accept their applications for the post of Assistant Professor (Pre-Law) in non-law subjects under the notification dated 24.01.2025. The issue raised lies in a very narrow compass. The following facts are not in dispute.

1. All the appellants are aged below 45 years;
2. All the appellants have served as Guest Lecturers temporarily in a Government Law College for over a period of five years;
3. The Rules framed by the Law Department for recruitment of Teaching Staff in Government Law Colleges were amended by G.O.Ms.No.232 dated 11.04.2022 and the Special Rules were reissued under G.O. Ms.No.233, Law (LS) Department, dated 11.04.2022;
4. The amendments were made in exercise of powers conferred by proviso to Article 309 of the Constitution of



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India. Therefore, the amendments have a statutory force.

5. In the reissued Special Rules, Rule 4(a) deals with qualifications regarding age. The upper age limit for appointment as Assistant Professors is fixed at 40 years;

6. The proviso to Rule 4(a) provides for increase in age limit by one year for each year of service, whether regular or temporary, rendered in any Law College in the State by the applicant subject to a maximum of five years; and

7. All the appellants would be entitled to the maximum period of five years since they have served for more than 5 years on a temporary basis in a Government Law College.

3. However, the Recruiting Agency viz. The Teachers Recruitment Board rejected their applications driving the petitioners to this Court. Unfortunately, the Writ Petitions were tagged on with a batch of cases wherein the fixation of the upper age limit was under challenge and these

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Writ Petitions were also dismissed. We have confirmed the judgment of the learned Single Judge where the power of the employer to fix the upper age limit was recognised and the fixation of upper age limit was upheld.

4. The question that was agitated in the writ petitions filed by these appellants was entirely different. The appellants sought for the benefit of the proviso and for increase in their age limit that was not gone into at all by the learned Single Judge.

5. When the above Writ Appeals came up before us day before, we had required the counsel for the Teachers Recruitment Board to get instructions as to why the applications of the appellants were rejected. Today when the matters are listed for admission, Mr.Neelakandan, learned Additional Advocate General appearing for the Teachers Recruitment Board would invite our attention to G.O.Ms.No.1349 dated 19.11.1985 under which Adhoc Rules were framed for appointment of Junior Professors in Pre-Law course in Law Colleges. In the said Rules, while prescribing the qualification regarding age, the upper age limit is fixed at 40 and the



proviso permits enhancement of age limit by one year for service rendered in any recognised or Government College in cases of recruitment by transfer. For clarity we extract the proviso as under:

“Provided that for appointment to the post by recruitment by transfer for each year of service, whether regular or temporary, rendered in any recognised or Government College in the State by a person, the age limit will be increased by one year subject to a maximum of five years.”

6. Relying upon the above proviso, Mr.Neelakandan, learned Additional Advocate General appearing for the Teachers Recruitment Board would submit that the relaxation would be available only for recruitment by transfer and not for fresh recruitment. We are unable to accept the said submission for the following reasons. The Government Order relied upon by Mr.Neelakandan, learned Additional Advocate, is dated 19.11.1985 after the said Government Order, the Government had issued amendments to the Adhoc Rules vide G.O.Ms.No.232 dated 11.04.2022. It is also found that



the said Government order was issued pursuant to the directions issued by a

Division Bench of this Court in WA No.533 of 2018.

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7. We have extracted the amended proviso supra. The amended proviso does not confine the benefit of increase in age limit for recruitment by transfer alone. It confers the benefit on every person who has served in a Law College in the State on a temporary basis, the increase in age limit by one year, of course subject to a maximum of five years. The words, recruitment by transfer, are conspicuously absent in the amended proviso. Further, the amended proviso restricts the benefit of increase in age limit only to persons who had taught in Law Colleges and not in any other Government or Aided College. Therefore, there is a significant deviation under the amended Rules. If the amended Rules are applied, all the appellants would be entitled to increase in age limit and all of them would be entitled to the maximum period of 5 years. It is not in dispute that all the appellants would be below the age of 45 on the date of application i.e., as on 01.07.2025. Therefore, the rejection of the application of the appellants cannot be sustained.



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8. Hence, there will be a Mandamus directing the Teachers Recruitment Board to accept the applications of the appellants and they would be entitled to participate in the recruitment process as and when it is continued. All the Writ Appeals are allowed as indicated above. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K. GOVINDARAJAN THILAKAVADI, J.)
12.06.2025

jv

Index : No
Neutral Citation : No
Speaking order

Note: Issue order copy on 18.06.2025



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To

1. The Principal Secretary to Government,
Government of Tamil Nadu
Law Department,
Secretariat, Chennai 600 009.
2. The Secretary,
Teachers Recruitment Board,
4th Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006.



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