



W.P.No.20073 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.09.2025

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

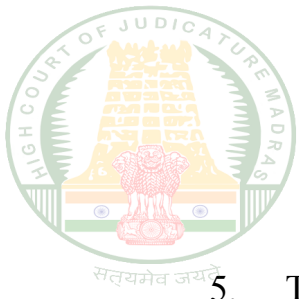
W.P.No.20073 of 2025 & W.M.P. Nos.22635, 22636 and 22637 of 2025

Bins Sebastian
Assistant Professor
Department of Philosophy
Madras Christian College
Tambaram East, Chennai-600 059

Petitioner

Vs.

1. State of Tamil Nadu
represented by the Principal Secretary
Department of Higher Education
The Secretariat, Chennai - 600 009
2. The Additional Secretary
Department of Higher Education
The Secretariat, Chennai - 600 009
3. The Director
Directorate of Collegiate Education
577, Anna Salai
Saidapet
Chennai - 600 015
4. The Joint Director
Directorate of Collegiate Education
577, Anna Salai
Saidapet
Chennai - 600 015



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5. The Registrar
The University of Madras
Centenary Buildings
Kamarajar Road
Chepauk, Chennai - 600 005

6. The Secretary
Madras Christian College
East Tambaram
Tambaram
Chennai - 600 059

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records pertaining to the impugned proceedings dated 03.04.2024 in O.Mu.No.6044/E1/2023 on the file of the 4th respondent and the Letter dated 14.12.2024 in No.E7431106/K1/2024-2 on the file of the 2nd respondent and quash the same directing the respondents to regularize services of the petitioner as Assistant Professor (Philosophy) w.e.f. 12.12.2019 in the 6th respondent college by granting exemption from the new norms dated 20.04.2022 and as per the conditions mentioned in Provisional Qualification Approval dated 16.11.2020 in No.AII/JPR/AP Approval (Aided Posts) /MCC/2020/215 on the file of the 5th respondent with all consequential service and monetary benefits.

For petitioner Dr.Fr. Xavier Arulraj



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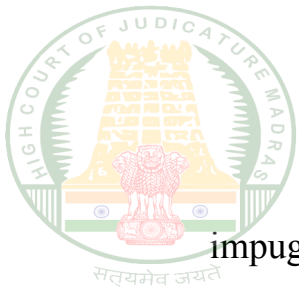
For respondents

Senior Counsel
for M/s. Father Xavier Associates
Mr.A.Selvendran
Spl. Govt. Pleader for R1 to R4
Mr.D.Ravichander
Standing Counsel for R5
Mr. Godson Swaminathan
for M/s. Isaac Chambers for R6

ORDER

The writ petition is filed seeking to quash the proceedings dated 03.04.2024 of the fourth respondent in and by which the petitioner's request for exempting him from passing Tamil Language Test has been turned down and also the letter dated 14.12.2024 issued by the second respondent (Additional Chief Secretary to Government, Higher Education Department) in and by which it has been stated that regularisation of service can be done only after passing of Tamil Language Test and Account Test for Executive Officers. Superadded, a direction is also sought to regularize the services of the petitioner as Assistant Professor (Philosophy) with effect from 12.12.2019 in the sixth respondent college by granting exemption from the new norms dated 20.04.2022 and as per the conditions mentioned in Provisional Qualification Approval dated 16.11.2020 issued by the fifth respondent, with all consequential service and monetary benefits.

2. At the outset, it is worth pointing out that though the second

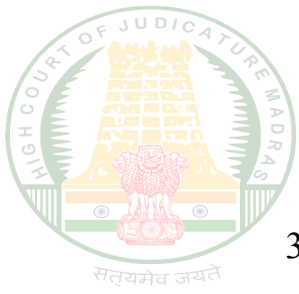


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impugned order dated 14.12.2024 is passed by “the Additional Chief Secretary to Government, Higher Education Department”, in the cause title, the said authority has been shown as second respondent wrongly as “the Additional Secretary”. It is equally worth pointing out that though the second impugned order dated 14.12.2024 has been passed by the second respondent, the prayer has been worded as if it has been passed by the first respondent. These mistakes have to be perforce considered as typos and they are considered accordingly. (emphasis supplied)

3. The facts which are absolutely necessary for deciding this writ petition are succinctly given as under:

3.1 The petitioner who is qualified for appointment as Assistant Professor (Philosophy) as per the UGC Regulations, 2018 and has completed M.A. (Philosophy and Religion) in 2008, National Eligibility Test (NET) in 2008 and Ph.D. in Philosophy in 2017, was selected by the sixth respondent college and an order of appointment dated 10.12.2019 as Assistant Professor (Philosophy) was issued to him in the aided stream with effect from 12.12.2019.



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3.2 The petitioner joined the sixth respondent college on 12.12.2019 and the proposal for approval of qualification was forwarded by the sixth respondent college to the fifth respondent University and the fifth respondent University accorded provisional approval of qualification *vide* proceedings dated 16.11.2020 with a condition *inter alia* that the petitioner has to pass the Tamil Language Test, conducted either by the TNPSC or by the Department of Tamil Literature, University of Madras, within a period of two years, from the date of receipt of Provisional Approval of Qualification from the fifth respondent University.

3.3 While so, the fourth respondent (Joint Director) issued an order on 24.02.2021 releasing grant-in-aid to the petitioner for the post of Assistant Professor (Philosophy) with effect from 12.12.2019 and the said approval was subject to the condition that the petitioner shall complete the Tamil Language Test within a prescribed period, as stated earlier.

3.4 When things stood thus, the petitioner completed Tamil Language Test in June 2021 for which Course Completion Certificate was issued on 19.04.2022 by the fifth respondent University followed by provisional certificate on 11.05.2022 and another certificate styled “Examination



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Certificate Course” on 29.10.2022.

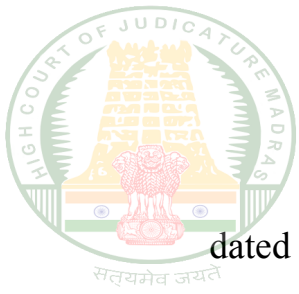
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3.5 Thus, according to the petitioner, he has complied with the condition of passing the Tamil Language Test within a period of two years as stipulated in the Provisional Approval of Qualification dated 16.11.2020.

3.6 While so, the first respondent, *vide* G.O.Ms. No. 260, Higher Education (K1) Department dated 21.12.2021, released the list of "Equivalence and Non-Equivalence of Degrees", offered by various Universities, wherein, it was stated that the certificate in Tamil Language Test offered by the University of Madras will be considered "Not Equivalent" to the Tamil Language Test conducted by the TNPSC for the purpose of employment in Government service.

3.7 Thereafter, the sixth respondent college submitted documents pertaining to completion of Tamil Language Test of the petitioner on 11.10.2023, 25.10.2023 and 17.11.2023 to the fifth respondent University seeking regularization of the petitioner.

3.8 In the meanwhile, the fifth respondent University issued a letter



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dated 20.04.2022 stating that the Tamil Language Test conducted by the TNPSC alone be considered for the purpose of regularization of teaching and non-teaching staff of colleges affiliated to the fifth respondent University. The fourth respondent also, for his part, reiterated the same position *vide* letter dated 16.12.2022.

3.9 Not stopping with that, the fifth respondent University addressed a letter dated 24.03.2023 to all the affiliated colleges, informing that the TNPSC will be the only competent Authority for conducting Tamil Language Test, for the purpose of regularization of teaching/non-teaching staff in the Government service.

3.10 The third respondent also, *vide* proceedings dated 17.08.2023, issued a circular (though not captioned so) addressed to Government Arts and Science Colleges, both aided and unaided, *inter alia*, stating that the Assistant Professors should complete Tamil Language Test conducted by the TNPSC along with the Account Test for Executive Officers, within two years of probationary period. To be noted, the said so-called circular was circulated by the fourth respondent *vide* proceedings dated 21.08.2023 to all the addressees.

3.11 While so, the proposals and reminders sent by the sixth respondent



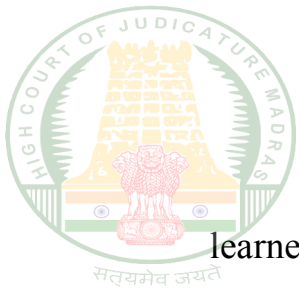
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college seeking regularization of the petitioner's services by granting exemption based on completion of Tamil Language Test conducted by the University of Madras, were rejected by the fourth respondent *vide* communication dated 03.04.2024.

3.12 Thereafter, the second respondent, *vide* letter dated 14.12.2024, for his part, affirmed the stance of the fifth respondent University (*vide* communication dated 20.04.2022) and the stance of the third respondent (*vide* communication dated 17.08.2023), observing that regularization of service of teaching and non-teaching staff of Universities and colleges affiliated to Universities can be made only after passing of Tamil Language Test and Account Test for Executive Officers conducted by the TNPSC. It was further specifically stated in the said letter that those who have passed Tamil Language Test conducted by the University of Madras should pass such a test conducted by the TNPSC too.

3.13 Aggrieved, the aforesaid rejection order dated 03.04.2024 passed by the fourth respondent and the aforesaid letter dated 14.12.2024 of the second respondent are called in question in this writ petition, besides seeking a mandamus, as stated in the opening paragraph.

4. Though myriad grounds have been urged by Dr.Fr. Xavier Arulraj,



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learned Senior Counsel appearing for the petitioner in the course of his arguments, it would suffice to advert to the following two key grounds:

4.1 When the petitioner has admittedly completed the Tamil Language Test (the duration of which is 6 months) from January 2021 to June 2021, requiring the petitioner to complete such test conducted by the TNPSC too by way of G.O. (Ms.) No.260, *supra*, issued subsequently on 21.12.2021 is illegal and arbitrary; and

4.2 When the first respondent (State) and the third respondent (Director of Collegiate Education) have exempted the faculties of Stella Maris College and New College, respectively, *vide* G.O. (Ms.) No.199 Higher Education (K1) Department dated 22.06.2023 and proceedings dated 13.10.2023, respectively, rejecting the case of the petitioner is tantamount to sheer discrimination.

5. Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 4, submitted that the Government of Tamil Nadu has inserted a new provision, *viz.*, Section 21-A in the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 *vide* Tamil Nadu



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Government Gazette only on 13.01.2023, wherein, it has been stated that notwithstanding anything contained in Section 21, on and from the 1st day of December, 2021, any person who applies for recruitment to any post in any service by direct recruitment, shall pass the Tamil Language Test in the examination conducted for the recruitment with not less than 40% marks. He further submitted that by following G.O.(Ms).No.260, *supra*, in the right perspective, the fourth respondent has stated in the impugned order dated 03.04.2024 that the petitioner cannot be granted exemption from passing Tamil Language Test conducted by the TNPSC.

6. Mr.D.Ravichander, learned Standing Counsel for the fifth respondent University, in the course of his arguments, fairly admitted the stand taken by the petitioner *qua* granting exemption to the faculties of Stella Maris College and New College. He further submitted that it is purely up to the Government to exempt the petitioner as well.

7. Though the fourth respondent has filed a detailed counter affidavit dated 13.08.2025, the sum and substance of the same is nothing but the reiteration of the contents of the proceedings dated 17.08.2023 of the third respondent and 03.04.2024 of the fourth respondent and hence, this Court



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refrains from delving into the same and making the order prolix and verbose.

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8. Heard the learned Senior Counsel for the petitioner, learned Special Government Pleader for respondents 1 to 4, learned Standing Counsel for the fifth respondent University and learned Standing Counsel for the sixth respondent college and perused the materials available on record.

9. The facts are not in dispute.

10. The issues that fall for consideration in this writ petition lie in a very narrow compass and they are whether the fourth respondent is justified in issuing the impugned proceedings dated 03.04.2024 stating that the petitioner cannot be granted exemption from passing the Tamil Language Test on the basis of G.O. (Ms.) No.260, *supra*, and whether the second respondent is justified in issuing the impugned letter dated 14.12.2024 reiterating the earlier stance that regularisation can be made only after passing of the Tamil Language Test and also the Account Test for Executive Officers conducted by the TNPSC, albeit a pass in the Tamil Language Test conducted by University of Madras.



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WEB COPY 11. At the threshold, this Court makes it clear that the expression “Tamil Language Test” is used for the sake of convenience though the said test has been described in two other forms, being Tamil Language Test and II Class Tamil Language Test, in the various proceedings of the authorities.

12. As rightly argued by the learned Senior Counsel for the petitioner, the petitioner has undergone the Tamil Language Test course during January 2021 – June 2021, as is evident from a bare perusal of the Course Completion Certificate issued by the fifth respondent University. But, it is to be noted that the Course Completion Certification was issued only on 19.04.2022 followed by Provisional Certificate on 11.05.2022 and Examination Certificate Course on 29.10.2022. In the considered opinion of this Court, when the petitioner has fulfilled the condition imposed by the fifth respondent University in its Provisional Approval of Qualification, *i.e.*, passing of the Tamil Language Test from the fifth respondent University which is one of the institutions specified in the Provisional Approval of Qualification, within two years, as stipulated, not exempting the petitioner from passing the Tamil Language Test by placing reliance on G.O. (Ms.) No.260, *supra*, can, by no stretch of imagination, be said to be justifiable. In



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this regard, this Court draws inspiration from a very recent pronouncement

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of a Constitution Bench of the Supreme Court in **Tej Prakash Pathak v.**

High Court of Rajasthan [(2025) 2 SCC 1 : 2024 SCC OnLine SC 3184],

the relevant paragraphs of which are profitably extracted as under:

“14. In various judicial pronouncements, the law governing recruitment to public services has been colloquially termed as “the rules of the game”. The “game” is the process of selection and appointment. Courts have consistently frowned upon tinkering with the rules of the game once the recruitment process commences. This has crystallised into an oft-quoted legal phrase that “the rules of the game must not be changed midway, or after the game has been played”. Broadly speaking these rules fall in two categories. One which prescribes the eligibility criteria (i.e. essential qualifications) of the candidates seeking employment; and the other which stipulates the method and manner of making the selection from amongst the eligible candidates.

16. The law is settled that after commencement of the recruitment process the eligibility criteria is not to be altered because candidates even if eligible under the altered criteria might not apply by the last date under the belief that they are not eligible as per the advertised criteria. Such alteration/change, therefore, deprives a person of the guarantee of equal opportunity in matters of public employment provided by Article 16 of the Constitution. The reference order [Tej Prakash Pathak v. High Court of Rajasthan, (2013) 4 SCC 540 : (2013) 2 SCC (L&S) 353] therefore acknowledges this legal position and in clear terms accepts that “the rules of the game” cannot be changed after commencement of the recruitment process insofar as the eligibility criteria is concerned.”
(emphasis supplied)

13. It is also pertinent to note that for the course completed by the petitioner in June 2021, the certificate styled “Examination Certificate Course” has been issued by the fifth respondent University only on 29.10.2022 *i.e.*, nearly after sixteen months from the date of completion of the course by the petitioner and this inordinate delay on the part of the fifth

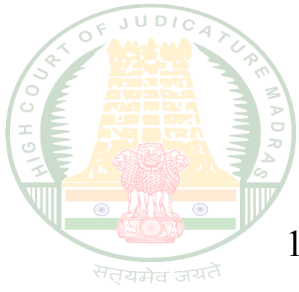


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respondent University cannot be put against the petitioner.

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14. Secondly, as was rightly pointed out by the learned Senior Counsel for the petitioner, the faculties of Stella Maris College and New College have been exempted from passing of the Tamil Language Test conducted by the TNPSC, which fact is borne out of records and this is not disputed by the State even. Of course, the State may very well take a stand that those faculties had cleared the test conducted by the fifth respondent University during the years 2017, 2018 and 2019 itself and in that regard, they are distinguishable. But, again, as already noticed above, as has been held in **Tej Prakash Pathak**, *supra*, eligibility criteria cannot be changed midway to the prejudice of the selectee.



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15. In view of the foregoing discussion, the orders impugned in this writ petition passed by the respondents 2 and 4 respectively are set aside and the writ petition stands allowed. No costs. Consequently, connected writ miscellaneous petitions are closed.

04.09.2025

raa/cad

To:

1. The Principal Secretary
Department of Higher Education
Government of Tamil Nadu
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2. The Additional Chief Secretary
Department of Higher Education
The Secretariat, Chennai - 600 009
3. The Director
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A.D.JAGADISH CHANDIRA, J.

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