



W.A No. 2913 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 2913 of 2025

AND

CMP.No. 23578 of 2025

1. The State of Tamil Nadu
represented by its Secretary,
Department of Higher Education,
Secretariat, Chennai-600009.

2. The Director of Technical Education,
Guindy, Chennai-25.

..Appellants

Vs

Boopathy

..Respondent

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the
order dated 05.11.2024 passed in W.P.No. 18976 of 2019.

For Appellants: M/s. Dakshayani Reddy, Senior Advocate

Special Counsel for State
Asstd. By Mr.A.Selvendran, Spl.GP

For Respondent : Mr.M.Muruganantham



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JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

This intra-court appeal assails the order dated 05.11.2024 passed in W.P. No. 18976 of 2019. By the said order, the communication issued by the first appellant rejecting the claim of the respondent/writ petitioner for upgradation of his services as Associate Lecturer was set aside, and a direction was issued to upgrade his services as Associate Lecturer with effect from 01.01.2001, together with all consequential monetary and service benefits in terms of the relevant Government Orders.

2. The respondent/writ petitioner was appointed as a Skilled Assistant in the year 1977 as a permanent employee in the Institute of Printing and Technology, which functions under the Directorate of Technical Education. The respondent/writ petitioner made a representation to the appellants seeking upgradation of his services as Associate Lecturer with effect from 01.01.2001, a benefit which had been extended to similarly placed persons. As the said request was not considered, the respondent/writ petitioner approached this Court by way of the aforesaid writ petition, which was allowed by the learned Single Judge.



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Aggrieved by the said order, the State has preferred this appeal.

3. Mrs. Dakshayani Reddy, learned counsel for the appellants–State, submitted that under G.O.(Ms.) No. 1081, dated 19.08.1989, upgradation to the post of Associate Lecturer required the incumbent instructors to possess a degree qualification. Since the respondent/writ petitioner, who was working as an Instructor, held only a diploma and not the requisite degree, he was not entitled to the benefit of upgradation. It was further contended that under G.O.(Ms.) No. 534, dated 19.11.2004, 238 instructors were upgraded to the post of Associate Lecturer, and the respondent/writ petitioner, not possessing the prescribed qualification, was rightly excluded. Therefore, it was argued that the learned Single Judge had erred in ignoring the relevant Government Orders prescribing the qualification criteria, rendering the impugned order legally unsustainable.

4. Per contra, Mr. M. Muruganantham, learned counsel for the respondent/writ petitioner, submitted that G.O.(Ms.) No. 1081, Education Department, dated 19.08.1989, amended G.O.(Ms.) No. 721, dated 28.04.1981, by substitution, and under the said amendment, instructors in engineering subjects possessing a diploma qualification with five years of service as



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instructors were also made eligible for promotion to the post of Associate Lecturer. Therefore, the learned Single Judge, having correctly applied the relevant Government Orders to the facts of the case, has rightly held in favour of the respondent/writ petitioner, and the impugned order calls for no interference.

5. The arguments advanced by the learned counsel on either side and the materials placed on record have been duly considered.

6. Under G.O.(Ms.) No. 1081, dated 19.08.1989, issued by the first appellant, it was directed that recruitment to the post of Instructor (Teacher) Cadre in Polytechnics and Special Diploma Institutions would be discontinued. However, it was further provided that the existing instructors would be promoted as Associate Lecturers as and when they acquired the requisite degree qualification. Subsequently, following the judgment of this Court in W.P. No. 4115 of 1986, dated 27.02.1990, the Government issued G.O.(Ms.) No. 1146, dated 25.11.1992, amending G.O.(Ms.) No. 721, dated 28.04.1981. As per the said amendment, instructors in engineering subjects possessing a diploma and having completed five years of service as instructors were made eligible for promotion to the post of Assistant Lecturer. Similarly situated persons were



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accordingly extended the said benefit under the said Government Order.

7. Thereafter, by G.O.(Ms.) No. 534, dated 19.11.2004, the first appellant promoted 236 instructors working in polytechnic colleges and special institutions as Lecturers with effect from 19.08.1989 or from the date of their initial appointment or from the date of acquiring the requisite qualification, whichever was later, by upgrading the post of Instructor to Lecturer as detailed in the annexure to the order. The said Government Order applied to instructors appointed up to 01.12.1997. Hence, the contention of the learned counsel for the appellants that the respondent/writ petitioner, who was appointed as an Instructor in 1995, was ineligible for promotion to the post of Associate Lecturer, is devoid of substance and cannot be accepted.

8. The respondent/writ petitioner is, therefore, entitled to be promoted as Associate Lecturer on par with similarly situated persons who were extended the said benefit under G.O.(Ms.) No. 1146, dated 25.11.1992. The learned Single Judge, on a proper appreciation of the facts and the relevant Government Orders, has rightly concluded that the respondent/writ petitioner is entitled to be promoted as Associate Lecturer with effect from 01.01.2001.



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9. In light of the foregoing discussion, we find no illegality or infirmity in the order passed by the learned Single Judge warranting interference in this intra-court appeal.

10. Accordingly, the writ appeal is ***dismissed***. Consequently, the connected miscellaneous petition stands closed. There shall be no order as to costs. The first appellant–State is granted three (3) months time to comply with the directions issued by the learned Single Judge in the impugned order.

(R.S.K. J.,) (H.C. J.,)

25.09.2025

Index : Yes / No
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