



WEB COPY

W.A.No. 160 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 160 of 2025

R.Thangavelu

...Appellant

Vs.

1.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

2.The Chief Educational Officer,
Erode - 638101.

3.The Chief Educational Officer,
Coimbatore.

4.The District Educational Officer,
Pollachi.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 15.04.2024 made in W.P.No.33311 of 2023.

For Appellant : Mr.A.Amalraj

For Respondent : Mr.U.M.Raichandran



J U D G M E N T

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

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The petitioner challenged the order dated 20.09.2021, in and by which, his probation was declared with effect from 06.08.2011 on the basis that he was appointed on 07.08.2009.

2. The petitioner was selected for appointment along with 24 others for the year 2008 - 2009 and the others were appointed on 09.06.2008. The petitioner was not favoured with an appointment order, since the authorities thought it fit to verify his education certificates as he had completed his education in the State of Karnataka. Challenging his non-appointment, the petitioner filed W.P.No.27561 of 2008 seeking to appoint himself and also sought for a restraint, requiring the respondents, not to appoint anyone else to the post, to which, he was selected.

3. This Court, allowed the said writ petition, directing the respondents to complete the evaluation of the certificate of the petitioner within a period of two weeks from the date of receipt of a copy of the order. A restraint was also issued, restraining the respondents from making any appointment to the post, to which, the petitioner was selected. Thereafter, after evaluating the



certificates of the petitioner, the petitioner was appointed to the post of Physical Education Teacher with effect from 04.08.2009. The order dated 04.08.2009, specifically states that he is appointed as a probationer with effect from the date he assumes charge. The petitioner accepted the said order and joined the service. Thereafter, complaining that his probation was not declared, the petitioner filed another writ petition in W.P.No.34407 of 2019 and this Court, by order dated 03.02.2020 directed the respondents to declare his probation, based on the earlier evaluation.

4. Pursuant to the said order, the petitioner's probation was declared by the order impugned in this writ petition on 20.09.2021 with effect from 06.08.2011 i.e., two years from the date, on which, he was originally appointed (07.08.2009). Now the petitioner has mounted the challenge to the order dated 20.09.2021, contending that he should be treated as having been appointed along with the other selectees in his batch i.e., with effect from 09.06.2008. The Writ Court has denied relief to the petitioner on the ground that the petitioner has accepted the order dated 04.08.2009 and having joined duty only on 07.08.2009, he cannot claim to have been appointed along with the other selectees.



5. The learned counsel for the appellant would vehemently contend that non-challenge to the order dated 04.08.2009 cannot be put against the petitioner, since this Court had injuncted the respondents from appointing another person in his place. We are unable to countenance the submissions of the learned counsel.

6. As rightly found by the Writ Court, the petitioner was favoured with an order that he should be appointed after verification of his certificates within the period of two weeks from the date of the order. Eventually, the petitioner was favoured with an order of appointment on 04.08.2009, which clearly stated that the petitioner would be considered as a probationer till completion of two years from the date, on which, he assumes charge.

7. Having not challenged the said order, it is not open to the petitioner to now urge that he should be deemed to have been appointed on an earlier date. The contention of the petitioner militates against the pronouncement of the Hon'ble Supreme Court in *MeghaChandra & others -Vs- Nigam*



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SIRO and others reported in 2020 (5) SCC 689 where, the Hon'ble

Supreme Court had held that the seniority can be counted only from the date on which the candidate was borne into the service and not from any date anterior to it. This Writ Appeal therefore, fails and it is accordingly, dismissed. No costs.

(R.S.M., J.) (G.A.M., J.)
06.02.2025

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Index: No
Speaking order
Neutral Citation : No

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