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W.A.No.3646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.No.3646 of 2025

and

C.M.P.No.30131 of 2025

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006,
Chennai.

2.The Chief Educational Officer,
Thiruvarur District,
Thiruvarur.

3.The District Educational Officer,
Thiruvarur Educational District,
Thiruvarur.

.. Appellants

Vs.

R.Raju,
S/o.S.Raju, B.T.Assistant (English),
Government Higher Secondary School,
Kandiramanikkam,
Thiruvarur District,
Thiruvarur.

.. Respondent



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow the Writ Appeal and set aside the order dated 25.04.2025 made in W.P.No.34451 of 2019.

For Appellants : Mr.M.Suresh Kumar
Additional Advocate General
Assisted by
Mr.S.Yashwanth
Additional Government Pleader

For Respondent : Mr.S.Nedunchezhiyan

J U D G M E N T

(Judgment of the Court was made by *V.LAKSHMINARAYANAN, J.*)

This intra Court appeal arises against the order passed by this Court in W.P.No.34451 of 2019, dated 25.04.2025.

2.The parties shall be referred to as per their respective ranks in the writ petition.

3.The writ petitioner is a member of Scheduled Caste community. He obtained Diploma in Teacher Education in the year 2008. Thereafter,



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he secured his graduation in English with Computer Applications from the Bharathiyar University in the year 2011. He completed his bachelor of education in the year 2012. Hence, he was eligible to be appointed to the post of Secondary Grade Teacher as well as BT Assistant in English. As required under the Right of Children to Free and Compulsory Education Act, 2009, the petitioner took up the Teacher Eligibility Test (TET) in October, 2012. The petitioner secured 92 marks in Paper-I and 102 marks in Paper-II.

4.The respondents had called for applications from eligible persons to be appointed to the post of secondary grade teachers as well as BT assistants. The petitioner was one such candidate. The petitioner, having cleared TET with high marks, was expecting appointment as BT Assistant (English). However, his appointment was withheld by the Teachers Recruitment Board, since a doubt arises in the mind of that authority whether his degree in B.A. (English with Computer Application) can be treated as equivalent to B.A. (English).

5.Since the petitioner had secured eligibility for appointment of a secondary grade teacher, he was issued proceedings on 12.12.2012. He



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joined the said post on 17.12.2012. He was functioning in the said post till 24.02.2014.

6.In the meantime, the Government of Tamil Nadu issued G.O.Ms.No.72, Higher Education Department, dated 30.04.2013, holding that B.A.(English with computer application) is equivalent to B.A. (English) literature. Consequent to this Government Order, the Joint Director of School Education, issued proceedings on 22.02.2014, appointing the petitioner as B.T. Assistant (English) in the Government High School, Komapuram, Pudukottai District. The petitioner was relieved from the post of secondary grade teacher on 24.02.2014 and joined the post of B.T. Assistant (English) on 25.02.2014.

7.The petitioner claimed that he is entitled to count the period of service rendered by him in the post of secondary grade teacher for service benefits in the post of B.T. Assistant. He claimed that he should be given seniority and other benefits on par with his juniors, who were given appointments, in the year 2012. The request of the petitioner that his services should be regularised from 17.12.2012 was rejected by the 2nd respondent on 11.04.2019. The 2nd respondent stated that the services of



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the petitioner can be regularised only from 25.02.2014 and there is no provision for regularisation of his services from 17.12.2012 when he joined the service as a secondary grade teacher. Challenging the same, the petitioner filed W.P.No.34451 of 2019.

8.This Court entertained the writ petition and directed the respondents to file a counter. The counter affidavit admitted the aforesaid factual position regarding the qualifications of the petitioner, his clearing TET examination as well as being appointed initially as a secondary grade teacher in the year 2012 and as a BT Assistant in the year 2014. It was pleaded that as per Rule 22B of the Fundamental Rules, the petitioner is eligible only for the minimum pay prescribed for the post of BT Assistant, since it is an entry level directly recruited post. The counter also pleaded that the petitioner had joined the secondary grade services in Elementary Education and was subsequently appointed as BT Assistant in Secondary Education Department and since separate seniority lists are being maintained, the contention of the petitioner is untenable.

9.With the pleadings having been completed, the learned Single Judge took up the matter for disposal.



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10.The learned Judge referred to an authority of the Full Bench of

this Court in *Nadar Thanga Shubha Laxman Vs. State of Tamil Nadu, 2014 (3) CTC 433*, and held that the equivalent certificate will take effect from the date of issuance of the certificate and will not operate prospectively from the date of the Government Order. She held that the petitioner was not selected as an in-service candidate and therefore, Rule 40 (1) & (2) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, applies and consequently directed the petitioner to be treated on par with his batch mates, who had been selected in the same year and in the same list. She further directed that the petitioner will be entitled to annual increments, arrears of salary, as well as, seniority.

11.Aggrieved by the said order, the present writ appeal.

12.We heard Mr.M.Suresh Kumar, Additional Advocate General assisted by Mr.S.Yashwanth, Additional Government Pleader for the appellants and Mr.S.Nedunchezhiyan for the respondent.

13.The learned Additional Advocate General urged that instruction 6 of Rule 22B of the Tamil Nadu Fundamental Rules would apply to the



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facts of this case. He states that the petitioner was already working as a secondary grade teacher and subsequently, he was appointed as a BT Assistant. He pleaded that, in absence of an approved or recognised degree on the date of selection, the petitioner is not entitled to retrospective service benefits six years, after the original date of appointment, as a secondary grade teacher.

14.He pointed out that since the Government had recognised the equivalence, the petitioner was re-allotted as BT Assistant by the Teachers Recruitment Board and it should be considered effective only from 30.04.2013 and the learned Judge erred in granting the relief.

15.Per contra, Mr.S.Nedunchezhiyan places heavy reliance upon the Full Bench judgment of this Court in ***Nadar Thanga Shubha Laxman Vs. State of Tamil Nadu***, cited *supra*, and drew our attention to Sections 40(1) and 40(2) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, relied upon by the learned Single Judge.



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16.We have carefully considered the submissions of both sides and

have gone through the records.

17.The issue regarding the relevant date for equivalence need not detain us much. It has been settled by a Full Bench of our Court in ***Nadar Thanga Shubha Laxman***'s case.

18.The Full Bench held that once a degree / diploma / certificate is issued, the same will have validity from the date of issuance of the certificate, by the concerned University or Educational Institution and not from the date of issue of the Government Order accepting the recommendation of the equivalence committee. Having come to this conclusion, the Full Bench held that the judgment of the Division Bench in ***N.Geeta Vs. The State of Tamil Nadu, rep, by its Principal Secretary, Department of School Education, Chennai and another***, in ***W.A. (MD).No.312 of 2013***, dated ***01.07.2013*** stands overruled. In ***N.Geeta***'s case, the Court had held that it is only after the equivalence is given, it would operate. Consequently, the plea that it is from the date of Government Order that the petitioner's qualification in B.A. (English) Literature should be considered cannot be countenanced.



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19.Insofar as the plea that instruction no.6 under FR22B would apply, we have to point out that FR22B applies in a situation, where the Government servant is already in service and gets selected in another post. In this case, the petitioner, having cleared Grade-I and Grade-II of TET, was eligible to be appointed both to the post of secondary grade teacher, as well as, BT Assistant. TRB, had on account of doubts as regards equivalence, had placed the petitioner's recruitment in suspension. Once the Government Order had been issued, the eclipse that had been created by the TRB automatically stood cleared.

20.Therefore, the petitioner should have been issued with an appointment order placing him on par with those, who had appeared along with him, in the examination and had secured appointment orders. For the fact that the petitioner joined duty as a secondary grade teacher would not mean that instruction 6 under Fundamental Rule 22B would be applicable. A casual reading of the said provision shows that it can be made applicable only if a Government servant, who is already working in a post, is selected and appointed to another post through Tamil Nadu Public Service Commission (TNPSC) or through direct recruitment. We



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would have applied the rule had the petitioner joined as a secondary grade teacher subsequently obtained the qualification eligible to be appointed as a BT Assistant underwent the process of recruitment and joined the services. That not being the case in the present situation, we are constrained to reject the submission of the learned Additional Advocate General on this point.

21.On the second aspect, we find considerable force in the submission of the learned Additional Advocate General. The petitioner had already joined the post of secondary grade teacher on 17.12.2012. He continued in the said post till 24.02.2014. It is not his grievance that he was not paid during that period. Hence, the direction of the learned Single Judge that he will be entitled to all arrears of salary from 17.12.2012 cannot be sustained. Having worked as a secondary grade teacher and having received salary for that post, the petitioner could only be entitled notional benefit from 17.12.2012 till 25.02.2014.

22.In the light of the above discussion, the Writ Appeal is partly allowed. The order of the learned Single Judge in quashing the impugned order dated 11.04.2019 is upheld. The consequential direction issued is



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alone interfered with. The writ petitioner will be entitled to notional benefits from 17.12.2012 till 24.02.2014. The petitioner shall be entitled to seniority from 17.12.2012 onwards and shall be placed above his juniors. Consequently, the connected miscellaneous petition is closed. No costs.

(R.S.K., J)

(V.L.N., J)

03.12.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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