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W.P.Nos.40679, 43246 and 44013 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.40679, 43246 and 44013 of 2025

W.P.No.40679 of 2025:-

Dr.C.Madhesh

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented By Its Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Secretariat,
Chennai-600 009.

2. The Periyar University,
Represented By Its Registrar,
University Campus,
Periya Palkalai Nagar,
Salem-636 011.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent dated 17.10.2024 in PU/R/ESTT.R5/PRUCAS-METTUR/003421/2-24 and quash the same in so far as without monetary benefits, consequently direct the respondents to regularize the service of petitioner as Assistant Professor in the time scale of pay as per the directions of this Hon'ble Court dated 14.10.2015 made in WP.No.35129 of 2014 with time scale of pay and all consequential service benefits including promotion along with monetary benefits.



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For Petitioner	: Mr.M.R.Jothimanian
For R1	: Mr.M.R.Gokulkrishnan Additional Government Pleader
For R2	: Mr.P.Godsonswaminath for M/s Issac Chambers

W.P.No.43246 of 2025:-

Dr.G.Nanthakumar

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented By Its Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Secretariat,
Chennai-600 009.

2. The Periyar University,
Represented By Its Registrar,
University Campus,
Periya Palkalai Nagar,
Salem-636 011.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to regularize the service of petitioner as Assistant Professor in the time scale of pay as per the directions of this Hon'ble Court dated 14.10.2015 made in W.P.No.1177 of 2015 and pay all consequential service benefits including promotion along with monetary benefits forthwith.

For Petitioner	: Mr.M.R.Jothimanian
For R1	: Mr.M.R.Gokulkrishnan Additional Government Pleader
For R2	: Mr.P.Godsonswaminath for M/s Issac Chambers



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W.P.No.44013 of 2025:-

1. Dr.D.Gayathri
2. Dr.C.Vijayarani
3. Dr.M.Sasikumar
4. Dr.V.Velvizhi
5. Dr.S.Anu
6. Dr.S.Malarvizhi
7. Dr.C.Gayathri
8. Dr.N.Priyadharshini
9. Dr.A.Venkatesan
10. Dr.S.Sathya

... Petitioners

-Vs-

1. The State of Tamil Nadu,
Represented By Its Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Secretariat,
Chennai-600 009.

2. The Periyar University,
Represented By Its Registrar,
University Campus,
Periya Palkalai Nagar,
Salem-636 011.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to regularize the service of petitioners as Assistant Professors in the time scale of pay as per the directions of this Hon'ble Court dated 14.10.2015 made in W.P.Nos.35127 of 2014 and batch of cases and pay all consequential service benefits including promotions along with monetary benefits forthwith.

For Petitioners	: Mr.M.R.Jothimanian
For R1	: Mr.M.R.Gokulkrishnan Additional Government Pleader
For R2	: Mr.P.Godsonswaminath for M/s Issac Chambers



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4. The issue in all the writ petitions are one and the same. Hence, this

Court is inclined to pass common order.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The petitioners were appointed as Lecturer/Assistant Professors in their respective departments under the second respondent University Constituent College of Arts and Science, Mettur Dam, as per the recruitment notification. The petitioners were selected in the sanctioned posts and in the regular vacancies as Assistant Professors. However, they were informed that their services would be regularized as and when the vacancy arise based on qualifications and seniority. Therefore, the petitioners filed writ petitions before this Court.

7. This Court, by an order dated 27.07.2015, in W.P.Nos.35127 to 35129 of 2014, 885 of 2015, 1177, 1525, 1526, 2118, 2586 and 7082 of 2015 framed issues as follows:-

- (i) Whether the petitioners were appointed against sanctioned posts?;
- (ii) Whether they possess the requisite qualification prescribed for the



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post?; and

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(iii) Whether they were appointed by following the duly established selection procedure?

8. All the issues were answered in favour of the petitioners and the writ petitions were allowed to the extent of quashing the notification dated 09.12.2014 insofar as the petitioners alone and directed the second respondent not to disturb the services of the petitioners and to regularize their service by granting the scale of pay, since they were appointed in the sanctioned posts, they possessed the requisite qualification prevailing at that time and they were selected by the duly constituted Selection Committee.

9. Aggrieved by the same, the second respondent herein preferred writ appeals before this Court in W.A.Nos.81 to 90, 137 and 138 of 2016. This Court, by the Judgment dated 13.04.2018 dismissed the writ appeals. Aggrieved by the same, the second respondent also filed Special Leave Petition and the same was also dismissed, confirming the order passed by the Single Bench of this Court. However, it was not complied with and as such, the petitioner in W.P.No.40679 of 2025 filed a contempt petition before this Court. This Court, by an order dated 05.11.2019 closed the contempt petition by recording the



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submissions of the second respondent that the petitioners will be regularized in their respective posts subject to the outcome of the Special Leave Petition. In fact, after their regularization, the Special Leave Petition was also dismissed by the Hon'ble Supreme Court of India. However, they were not regularized in the correct scale of pay and they were not paid any monetary benefits from the date of their regularization.

10. Therefore, one of the petitioners filed a Sub Application in Sub Application No.618 of 2023 in Cont.P.No.1464 of 2019. This Court, by an order dated 18.10.2024 dismissed the sub application, on the ground that there is no specific direction to pay the arrears of pay in the scale of pay on regularization of the service of the petitioner. Further, the petitioner therein had challenged the order dated 09.12.2014 with a consequential direction to regularize their service as Assistant Professor in their respective department alone and there is no prayer for payment of arrears of pay on fixation of scale of pay. In the absence of prayer for payment of arrears of salary and the monetary benefits, the question of arriving at a conclusion that the respondents have deliberately violated the order of this Court does not arise.



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11. Aggrieved by the same, the petitioner in W.P.No.40679 of 2025 filed Letters Patent Appeal before this Court in L.P.A.No.12 of 2025 and the same was dismissed as withdrawn with liberty to challenge the proceedings of the second respondent dated 17.10.2024.

12. Hence, the petitioner in W.P.No.40679 of 2025 challenged the order dated 17.10.2024 and other writ petitions were filed for direction directing the respondents to regularize their services as Assistant Professors in the time scale of pay as directed by this Court.

13. It is unfortunate to state that because they did not file any contempt petitions, the second respondent failed to comply with the order passed by this Court even after having been failed up to the Hon'ble Apex Court. As stated supra, this Court categorically concluded that the petitioners were appointed in the sanctioned posts . They possessed requisite qualification prevailing at that time and they were selected by the duly constituted Selection Committee. Therefore, they are entitled for regularization of their services by granting scale of pay. It means that the petitioners are entitled for regularization from the date of their appointment with scale of pay.



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14. Now, by an order dated 17.10.2024, the petitioner in W.P.No.40679 of 2025 was regularized from the date of his initial appointment by fixing the scale of pay wrongly and also notionally with effect from 17.11.2006 to 27.07.2015 and he was not given any monetary benefits from the date of his initial appointment till 27.07.2015.

15. When this Court directed the second respondent to regularize the service of the petitioner in the scale of pay, it means with all monetary benefits. It is not the case of the second respondent that the petitioners did not work for that period. From the date of their appointment, they were appointed as Assistant Professor in their respective departments and they are continuously working till today in their posts. Therefore, the question of notional regularization does not arise. The second respondent has to strictly comply with the order passed by this Court. The Hon'ble Division Bench of this Court in L.P.A.No.12 of 2025 had given a liberty to the petitioner in W.P.No.40679 of 2025 to challenge the order of regularization insofar as without monetary benefit.

16. In view of the above, the impugned order passed by the passed by the second respondent dated 17.10.2024 cannot be sustained and is liable to be



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quashed insofar as without monetary benefit in the scale of pay from 17.11.2006 to 27.07.2015. Accordingly, the order dated 17.10.2024 in PU/R/ESTT.R5/PRUCAS-METTUR/003421/2-24 passed by the second respondent is hereby quashed insofar as without monetary benefit in the scale of pay from 17.11.2006 to 27.07.2015. That apart, there is an error in fixation of scale of pay of the petitioner in W.P.No.40679 of 2025. Therefore, the respondents are directed to fix the correct scale of pay of the petitioner in W.P.No.40679 of 2025 from the date of his initial appointment and disburse the arrears of salary, within a period of eight weeks from the date of receipt of a copy of this order.

17. Insofar as W.P.Nos.43246 and 44013 of 2025 are concerned, the second respondent is directed to regularize the service of the petitioners as Assistant Professors in their respective departments in the time scale of pay from the date of their initial appointment and disburse all the monetary benefits, arrears of salary, within a period of eight weeks from the date of receipt of a copy of this order.



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18. Accordingly, these writ petitions are allowed. No costs.

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Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J,

mn

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Department of Higher Education,
Fort St.George, Secretariat,
Chennai-600 009.
2. The Registrar,
The Periyar University,
University Campus,
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