



W.A(MD) No.934 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 19.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.934 of 2020
&
C.M.P.(MD)No.5135 of 2020**

1.Government of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St.George, Chennai.

2.The Director of School Education, Chennai. ... Appellants

Vs.

1.P.Narayanan

2.M.Balasubramanian

3.J.Chelladurai ... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court against the order made in W.P.(MD)No.12278 of 2018, dated 12.06.2018.



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For Appellant : Mr.C.Venkateshkumar

For Respondents : Mr.Prahalad Ravi
for R1 to R3

JUDGMENT

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

Heard both sides.

2.The Government has filed this writ appeal questioning the order dated 12.06.2018 passed by the learned single Judge allowing W.P. (MD)No.12278 of 2018. The writ petitioners joined the Education Department as Vocational Instructors (Agri). Contending that they should have been placed in a higher pay scale, they filed WP(MD)No. 9472 of 2014. The prayer in the writ petition was as follows :

“Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus to direct the first respondent herein to dispose of the petitioner's representation dated 18.12.2013 and 04.03.2014 submitted for re-fixation of our scale of pay at Rs.2,000-3500, Rs. 6,500-11100 from the date of regularization of the petitioners' service in terms of G.O.Ms.No.840 of dated 31.07.1990 and in the light of the judgment in Writ Appeal No.1814 of 2011 dated 17.11.2011 as confirmed by the Honourable Apex Court in W.P(MD)No.5766 of 2008 dated 05.03.2012. ”



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The writ petition was disposed of on 16.06.2014 with a direction to the government to dispose of the representation. Pursuant to the direction, order dated 10.12.2014 was passed by the government rejecting the writ petitioner's request. Challenging the same, WP(MD)No.12278 of 2018 was filed. The learned single Judge allowed the writ petition in the following terms:-

“9.In the result, the impugned order is quashed and the writ petition is allowed in terms of the order passed by this Court in W.P. (MD)No.5766 of 2008 dated 05.03.2012 and W.A.(MD)No.1344 of 2013 dated 14.08.2014. The directions shall be undertaken by the respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.”

10.Since the issue has already been discussed in number of cases including in the Division Bench judgment, which has been followed in a number of cases, including the one where the relevant portion has been extracted hereinabove, the issue raised in this writ petition is squarely covered and this Court is of the view that the petitioners also shall be entitled to get the very same relief.

11.In that view of the matter, the impugned order is quashed and the writ petition is allowed in terms of the order passed by this Court in W.P. (MD)No.5766 of 2008 dated 05.03.2012 and W.A.(MD)No.1344 of 2013 dated 14.08.2014. The needful as directed shall be undertaken by the respondents within a period of twelve weeks from the date of receipt of a copy of this order.”



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3.The question that calls for consideration is whether the order of the learned single Judge deserves to be interfered with. The learned counsel appearing for the writ petitioners / respondents submitted that when W.P.(MD)No.8687 of 2016 involving identical facts was filed, it was allowed by the learned single Judge vide order dated 14.09.2017. Aggrieved by the same, the Government filed an appeal and the appeal was dismissed by the Division Bench vide order dated 11.03.2022 in WA SR No.107071 of 2021. Thereafter, the matter was taken to the Hon'ble Supreme Court in S.L.P.(Civil) Diary No.16122 of 2024. The Hon'ble Supreme Court dismissed SLP in the following terms:-

“Heard learned senior counsel for the petitioner.

There is an inordinate delay of 669 & 677 days in filing the special leave petitions and 166 & 161 in re-filing the special leave petitions. Even otherwise we do not see any merit in these special leave petitions. Hence, the special leave petitions are dismissed both the grounds of delay as well as on merit. Pending application, if any, shall stand disposed of.”

4.The learned counsel appearing for the writ petitioners would further contend that the present writ appeal will also have to be dismissed likewise.



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5.We are not impressed with this contention. This is for more reasons than one. The writ appeal filed by the government against the order dated 14.09.2017 made in W.P.(MD)Nos.8687 to 8691 of 2016 was dismissed at the condone delay stage itself. Questioning the same, the Government filed SLP. SLP was filed with an inordinate delay of more than 669 & 677 days. It was on that ground that the SLP was dismissed. Thus, the order passed by the learned Single Judge was not tested on merits by the Hon'ble Division Bench.

6.The issue raised in this writ appeal is no longer res integra. It is squarely covered by the Full Bench decision of this Court rendered in WA(MD)No.201 of 2021 on 05.03.2021. All the contentions projected by the writ petitioners were considered by the Full Bench including the invocation of the principle of equality. The referential question was formulated as follows :

“Is a Vocational Instructor recruited through Teachers Recruitment Board for the post created in G.O.Ms.No.129 School Education (HS3) Department dated 18.05.1999 and G.O.Ms.No.63, School Educational Department dated 1303.2007 the scale of pay, having been prescribed in the ad



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hoc Rules issued in the G.O.Ms.No.6, School Educational (VE) Department dated 04.01.2000, entitled to get higher salary on par with those who were appointed initially as double part time Vocational Instructors and brought under regular scale of pay subsequently but prior to the framing of ad hoc Rules?."

Finally, it was decided as follows :

“20.To reiterate, vocational instructors recruited through the Teachers Recruitment Board for the posts created vide G.O.Ms.No.129, dated 18.05.1999 and G.O.Ms.No.63, dated 13.03.2007, who are governed by G.O.Ms.No.6, dated 04.01.2000 are not entitled to claim parity of pay scale with those appointed initially as double part-time vocational instructors and who were subsequently regularised under G.O.Ms.No.967, dated 16.10.1992.”

The writ petitioners herein were admittedly selected by Teachers Recruitment Board for the post created vide G.O Ms.No.63 School Education Department dated 13.03.2007 and G.O Ms.No.143 dated 02.07.2008. The appointment orders issued vide proceedings dated 25.09.2001 and 13.01.2009 respectively specifically mention that the pay scales of the appointees would be Rs.5,500-9,000 as prescribed in the adhoc rules issued vide G.O Ms.No.6 School Education Department dated 04.01.2000. When the appointment orders of the writ petitioners have specified the pay scale in terms of the recruitment rules and



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accepting the same, the writ petitioners joined in the post of Vocational Instructor, they are not entitled to seek higher pay scale on par with vocational instructors who joined as double part time Vocational Instructors. The writ petitioners cannot compare themselves to Thiru.Vasimalai and ors. The learned counsel appearing for the writ petitioners/respondents could not dispute the fact that the aforesaid Full Bench decision squarely applies to the case on hand. In this view of the matter, the order of the learned Single Judge is set aside.

7.The writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) & (K.R.S., J.)
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Index : Yes / No
Internet : Yes / No
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