



W.A(MD)No.767 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.08.2025

CORAM

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

**W.A(MD)No.767 of 2020
and
C.M.P(MD)No.4373 of 2020**

1.The State represented by
The Secretary,
School Education Department,
Fort St.George,
Chennai.

2.The Director of School Education,
College Road,
Chennai.

3.The Joint Director of School Education,
College Road,
Chennai.

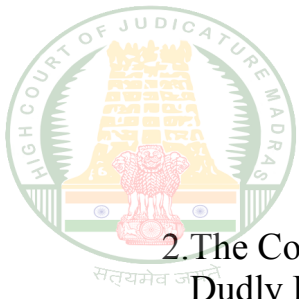
4.The Chief Educational Officer,
Dindigul District,
Dindigul.

... Appellants /
Respondents 1 to 4

Vs.

1.J.Dharmaraj

... Respondent /
Writ Petitioner



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2.The Correspondent,
Dudly Higher Secondary School,
Dindigul,
Dindigul District.

... Respondent /
5th Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 01.11.2019 in W.P(MD)No.22512 of 2019 and allow the Writ Appeal.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondents : Mr.B.Prahalad Ravi for R.1

No Appearance for R.2

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

The State has filed this Writ Appeal against the order dated 01.11.2019 passed by the learned single Judge allowing W.P(MD)No.22521 of 2019 filed by the first respondent herein.

2.The first respondent herein was appointed as double part time vocational instructor in the American College Higher Secondary School at



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Madurai with effect from 26.08.1988. Vide proceedings dated 14.09.2007

issued by the Joint Director of School Education, Chennai, his services were regularised with effect from 16.10.1992. During his career, the writ petitioner first became Vocational Instructor Grade I and then he was promoted to the post of Headmaster in the second respondent school.

3.While so, in the year 2019, he filed the aforesaid writ petition seeking fixation of his scale of pay with effect from 26.08.1988 in the post of Vocational Instructor Grade I on notional basis and for grant of monetary benefits with effect from 08.07.2004. The writ petition was allowed by the learned single Judge in the following terms:

“3.According to the petitioner, he was appointed as double part time Vocational Instructor in the American College Higher Secondary School at Madurai on 26.08.1988. Subsequently, his services were regularized with effect from 16.10.1992 through the proceedings of the third respondent dated 14.09.2007. He is presently working as Headmaster in the 5th respondent School. The respondents have not given time scale of pay notionally in the cadre of Vocational Instructor Grade-I with effect from the date of original appointment in the said post on 26.08.1988 and granted the scale of pay in the said post only from 16.10.1992 onwards. One similarly placed person, namely, S.Marimuthu has filed



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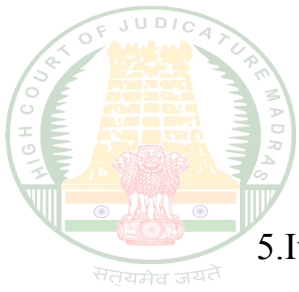


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W.P.(MD)No.19688 of 2014 before this Court, claiming the fixation of time scale of pay notionally with effect from the date of his initial appointment and consequently, monetary benefits from 08.07.2004 onwards. The said Writ Petition was allowed, by an order dated 25.02.2015, in the light of the Government Order passed by the first respondent in G.O. (2D)No.7, School Education Department, dated 23.02.2012. Subsequently, another similarly placed person, namely, N.Kalaiyarasi has filed W.P.No.32391 of 2015, seeking the same benefit. The Principal Seat of this Court, by its order dated 05.07.2018, has allowed the Writ Petition as prayed for. The petitioner has come out with the present Writ Petition, claiming the same benefit granted to the said S.Marimuthu and N.Kalaiyarasi, in the light of G.O.(2D)No.7, School Education Department, dated 23.02.2012.

4.In view of the orders dated 25.02.2015 and 05.07.2018 made in W.P.(MD)No.19688 of 2014 and W.P.No. 32391 of 2015 respectively, the petitioner is entitled to the similar relief granted to the said S.Marimuthu and N.Kalaiyarasi. Accordingly, this Writ Petition is allowed as prayed for. No costs."

4.The question that calls for consideration is whether the approach adopted by the learned single Judge by according parity of treatment to the writ petitioner is justified.



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5.It is not in dispute that the writ petitioner's services were regularised with effect from 16.10.1992 vide proceedings dated 14.09.2007. The said proceedings were never put to challenge. After a gap of 12 years, the writ petition came to be filed. The writ petition is hit by delay and laches. Secondly, so long as the approval proceedings remain as they are, it is not open to the writ Court to overcome its legal effect by issuing a writ of mandamus. The order passed by the learned single Judge is set aside.

6.This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
13.08.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

The Correspondent,
Dudly Higher Secondary School,
Dindigul,
Dindigul District.



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and

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