



W.A.(MD)No.1918 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2025**

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **Mr.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.1918 of 2021 &
C.M.P.(MD)No.8464 of 2021

The District Educational Officer,
Paramakudi,
Ramnad District.

... Appellant

/Vs./

1.Joseph John Stephen

2.Secretary,
Rowther Sahib High School,
Teriruvelli - 623 711,
Ramnad District.

... Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to
set aside the order dated 28.06.2021 passed by this Court in W.P.
(MD)No.10680 of 2021.

For Appellant : Mr.J.Ashok,
Additional Government Pleader

For Respondents : Mr.S.Prakashini
for Mr.T.A.Ebenezer for R1



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JUDGEMENT

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(Order of the Court was made by **Dr.ANITA SUMANTH, J.**)

The State is aggrieved by an order passed on 28.06.2021. That the prayer is for writ of mandamus directing the respondents to consider the service of the writ petitioner for re-fixation of his pension, counting his service in unsanctioned post in the Rowther Sahib High School from 15.09.1984 to 01.06.1991.

2. The writ petition came to be disposed and the Authorities were directed to consider the representation of the writ petitioner within a period of four weeks. However, a positive direction has also been given by the learned Judge to see that the representation must be considered in light of the Judgement rendered in W.A.(MD)Nos.291 & 292 of 2008 dated 26.06.2008, Gabriel Jeletin and another vs. Government of Tamil Nadu and others.

3. It is the latter specific direction in regard to which, this appeal has been filed.

4. Mr.J.Ashok, learned Additional Government Pleader, who appears for the appellant would point out that, that order is passed not



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taking into account the fact that the Government Order based on which, Judgement was passed on 26.06.2008, was a fake document.

5. This has also been noted in two Judgements of this Court, (i) *S.Devakadaksham vs. District Educational Officer and others in W.A.Nos.648 of 2003 and batch, (2006) 4 MLJ 1580* and (ii) *The Secretary to Government and others vs. S.Veerabadran in W.A.Nos.1267 of 2014 & 40 of 2015, dated 05.07.2018.*

6. We extract paragraph 12 of the decision in S.Veerabadran's case, that reads as follows.

"12. A learned Single Judge (Honble Mr.Justice M.Srinivasan), as he then was, of this Court in The Special Tahsildar No.III v. Rangasamy Reddiar, reported in 1988 (1) MU 317, had after referring to the judgment of the Full Bench of Patna High Court reported in AIR 1897 Patna 191, had held that when there are conflicting judgments of Co-equal Benches, it is open to the subsequent Bench to follow the decision which states the law more elaborately and accurately. Thus, looked at from any angle, the judgment of the Division Bench in Gabriel Jelestins case, rendered in ignorance of the earlier Division Bench Judgment in S.Devakadashams case, cannot be treated as a binding precedent. Further, the judgment of the Division Bench in Gabriel Jelestins case has taken note of the Government Orders in G.O.Ms.No.143, which has been held to be a fake Government order by this Court in WP (MD) No.20326 of 2013."



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7. In light of the above discussion, and while confirming the direction to consider the representation dated 17.03.2020, we delete reference to the decision of this Court in W.A.(MD)Nos.291 & 292 of 2008 dated 26.06.2008. Let the authorities dispose the representation in accordance with law.

8. This writ appeal stands disposed in light of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
13.10.2025

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

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AND
C.KUMARAPPAN, J.

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Order made in
W.A.(MD)No.1918 of 2021

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