



W.A.(MD)No.24 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.24 of 2021
and
C.M.P.(MD)No.107 of 2021**

1.The Government of Tamilnadu,
Rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Theni, Theni District.

... Appellants

Vs.

S.Sivakumar

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.2236 of 2020 dated 17.02.2020 on the file of this Court.



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For Appellants : Mr.T.Amjadkhan,
Government Advocate.

For Respondent : No appearance

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard the learned Government Advocate for the appellants / government. There is no appearance on the side of the writ petitioner / respondent.

2.The writ petitioner was appointed as Junior Grade Teacher during the ban period (2003 – 2006). After the ban was lifted, the writ petitioner was regularly appointed as P.G. Assistant with effect from 01.06.2006 vide G.O.(Ms)No.99 School Education Department dated 27.06.2006. This order remains unchallenged till date. Whiles, when promotion panel for the post of Head Master was prepared on 16.11.2019 by the Director of School Education, it was put to challenge in a batch of writ petition. The case of the writ petitioner was that his seniority should be reckoned from the date when he was originally appointed as Junior



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Grade Teacher. The learned Single Judge found merit in the said claim and allowed the writ petition vide order dated 17.02.2020. Assailing the same, this writ appeal has been filed.

3.The learned Government Advocate draws our attention to the order dated 01.06.2021 made in W.A.(MD)No.299 of 2021 etc batch. The issue raised in the said writ appeal was identical. The writ appeals were allowed on 01.06.2021.

4.Our attention is also drawn to the order dated 14.10.2025 made in W.A.(MD)No.435 of 2020. The factual matrix obtaining in the said writ appeal is also identical. The Hon'ble Division Bench held as follows:-

“6.The Division Bench of this Court in the writ appeals in W.A(MD)Nos.299 of 2021 batch, dated 01.06.2021 in paragraph 59 & 60 has held as follows:-

"59.That apart, the belated attempt made by the respondents / writ petitioners is liable to be rejected for several reasons. Firstly, they are estopped from contending contrary to the Government Orders, contrary to the terms and conditions of the Government Orders and contrary to the conditions contained in the agreement to which they



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have agreed. Secondly, the challenge to the policy decision to downgrade the post to that of the Junior Grade Teacher was rejected and the decision of the Government has been upheld. The request made by some of the teachers to reckon the period of service prior to 01.06.2006 was directed to be considered by the Director of School Education pursuant to an order passed in a Writ Petition. The representation was considered and rejected and the same has not been challenged and after lapse of nearly fourteen years, suddenly the respondents / writ petitions have come up with this fanciful claim, which is absolutely untenable and unsustainable in law.

60.The present attempt of the respondents / writ petitioners is to march over the regularly promoted PG Assistants, who are only 62 number; whereas the Junior Grade Teachers, like the respondents / writ petitioners are more than 3000. Thus, the relief sought for by the respondents / writ petitioners is misconceived and liable to be rejected and accordingly, rejected."

7.The writ petitioners herein, who are arrayed as respondents in the writ appeal, are similarly placed persons. They have also not challenged their order of appointment or the agreement which they entered while joining service. They have also not chosen to challenge the Government Order, in which, their services were regularised.

8.In such circumstances, a mandamus cannot be issued providing seniority from the date of their initial appointment. The order of the Division Bench in W.A.(MD)Nos.299 of 2021 batch cases dated 01.06.2021 is squarely applicable to the facts of the present case."



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5.The same approach has to be adopted in the present case also.

The order of the learned Single Judge is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
02.12.2025

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

- 1.The Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
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