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WP No. 10908 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 10908 of 2026

AND

WMP NO. 11853 OF 2026

S.Lakshmikanthan
P.G.Assistant (English),
Govt Higher Secondary School,
Matlampatti, Karimangalam,
Dharmapuri District.

..Petitioner

Vs

1. The State of Tamil Nadu
Rep by its Principal Secretary to Government,
School Education Department,
Fort St. George
Chennai-09.
2. The Director of School Education
DPI Compound,
College Road,
Chennai-6.
3. The Chairman
Teachers Recruitment Board,
Perasiriyar Anbalagan Kalvi Valagam,
College Road, Chennai-6.
4. The Joint Director of School Education
(Higher Secondary)
DPI Compound,
College Road,
Chennai-6.
5. The Chief Educational Officer
O/o.The Chief Educational Officer,
Dharmapuri- 636 705.

..Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the fourth respondent issued in Na.Ka.No. 57145/W3/ E1/ 2025 dated 25.09.2025 and quash the same insofar as non-sanctioning of salary for period from 24.01.2013 to 03.12.2013 as no work No Pay and consequently directing to respondents to sanction salary to the petitioner for the period from 24.01.2013 to 04.12.2013 by regularising the same, with all consequential benefits to the petitioner and pass orders.

For Petitioner: Mr.V.Ravikumar

For Respondent: Ms.Mythreye Chandru
Special Government Pleader
for R1, R2, R4 & R5

Mr.C.Kathiravan
Standing Counsel for R3

ORDER

The writ petition has been filed seeking the following relief :

“ To for the records of the proceedings of the fourth respondent issued in Na.Ka.No. 57145/W3/ E1/ 2025 dated 25.09.2025 and quash the same insofar as non-sanctioning of salary for period from 24.01.2013 to 03.12.2013 as no work No Pay and consequently directing to respondents to sanction salary to the petitioner for the period from 24.01.2013 to 04.12.2013 by regularising the same, with all consequential benefits to the petitioner.”

2. The short facts that led to the filing of the writ petition are as follows :



- (a) The petitioner has acquired B.A., degree in English with Computer Application from Periyar University at Salem. He also obtained B.Ed., degree from Tamil Nadu Teachers Education University. Thereafter, the petitioner acquired M.A., degree in English from Periyar University.
- (b) The petitioner who possessed M.A., degree in English was selected by the Teachers Recruitment Board as Post Graduate Assistant. He was issued with the order of appointment and posting order by the 4th respondent and had subsequently joined the duty as Post Graduate Assistant in Government (Boys) Higher Secondary School, Karimangalam, Dharmapuri District on 02.01.2013.
- (c) While so, by a communication of the Chief Educational Officer, Dharmapuri, the 5th respondent, dated 24.01.2013, the petitioner was informed that he will not be given salary for the said post and should not be allowed to work as PG Assistant, until further orders. This order of cancellation was challenged by the petitioner in W.P.No.3002 of 2013. The learned Single Judge had allowed the writ petition by order dated 12.02.2013 with a direction to permit the petitioner to continue in service as P.G. Assistant.
- (d) Thereafter, the State has preferred an appeal in W.A.No.200 of 2014 and the Division Bench had dismissed the appeal on 21.02.2024,



3. Heard the learned counsel for the petitioner and also perused the materials placed on record.

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4. A mere perusal of the records would indicate that the petitioner was selected by the Teachers Recruitment Board and had joined the Government (Boys) Higher Secondary School, Karimangalam, Dharmapuri District on 02.01.2013 as P.G.Assistant (English). Within a short time of 22 days, the 5th respondent vide proceedings dated 24.01.2013, had not permitted the petitioner to continue to work in the said post on the ground that the qualification possessed by him was not equivalent to the one prescribed by the Government for the said post. This was challenged by the petitioner in W.P.No.3002/2013 and the learned Single Judge had passed an order dated 12.02.2013, directing the respondents to permit the petitioner to continue in the post of P.G.Assistant (English) as there is no impediment for the petitioner in continuing in the said post. The State on his part had preferred an appeal in W.A.No.200 of 2014, which ended in dismissal confirming the order of the learned Single Judge. In the meanwhile, the petitioner was taken back into service on 02.12.2013.

5. The only grievance of the petitioner is that he had not been paid his salary for the period of 11 months and 3 days i.e., from 02.01.2013 to 03.12.2013. Thereafter, the petitioner had submitted his representation seeking to grant him salary for the said period and also to consider his seniority as per his



ranking in the selection list of Teacher Recruitment Board. Since his representation was not considered by the respondents, left with no other alternative, he had approached this Court in W.P.No.29489 of 2025 and obtained an order of this Court. Pursuant the directions of this Court, the representation of the petitioner was considered to by the 4th respondent, who passed the impugned order, which *inter alia*, has stated necessary recommendations were made to sanction salary for the period for 22 days alone i.e., from 02.01.2013 to 23.01.2013, however, it declined to grant salary for the period from 24.01.2023 to 04.12.2013 on the ground “No work No pay”.

6. The services of the petitioner for the period from 02.01.2013 to 03.12.2013 was withheld by the respondents on the ground that the qualification possessed by the petitioner was not equivalent to the norms prescribed by the Government for the said post and not on account of the petitioner abstaining from work. The issue of equi-volume to the norms was clarified by the Court as early as on 12.02.2013 in W.P.No.3002 of 2013, which was confirmed in W.A.No.200 of 2014. The relevant portion of the order in W.P.No.3002 of 2013 reads as below :

“ 5. It is now informed that the petitioner had secured B.A. Degree in English with Computer Application. Since the Under Graduate and Post Graduate degree are not having the same subject, there was a doubt in the minds of the respondents and hence his selection was withheld. However, it now transpires that the State Government has



issued G.O.Ms.No.133, School Education Department, dated 04.06.2012 holding that B.A. In English with Computer Application given by the Periyar University is equivalent to B.A.English, as recommended by the 33rd Equivalence Committee Meeting held on 27.03.2012 and approved by the Government in the GO referred to above.

6. In the light of the same and the petitioner having acquired M.A.Degree in English, there is no impediment for the petitioner continuing in the post of P.G.Assistant. Hence, the impugned order dated 24.01.2013 will stand set aside and the respondents are directed to permit the petitioner to continue in the post of P.G.Assistant in English for which already posting order was given to him.”

7. It is also seen that the 4th respondent in its order dated 25.09.2025 has stated that necessary recommendations have been made to the officials for sanctioning salary to the petitioner for the period for 22 days alone i.e., from 02.01.2013 to 23.01.2013, and that the seniority of petitioner would be considered as per the merit list published by the TRB. However, the 4th respondent has declined to grant salary for the period from 24.01.2023 to 04.12.2013 on the ground “No work No pay”.

8. The rule of “No work No pay” as alleged in the impugned order would be applicable only in a case where the employee voluntarily abstains from work and not in a case where he is prevented from doing the work by the positive act or omission of the employer. In the case on hand, it is the respondents who had



prevented the petitioner to continue his work in the post of P.G.Assistant.

9. The writ petition is accordingly allowed and the impugned order is quashed only insofar as non-grant of salary to the petitioner for the period from 24.01.2023 to 04.12.2013 alone and not in entirety. The respondents are directed to pay the salary to the petitioner for the period from 24.01.2013 to 04.12.2013 with all consequential benefits, by following the due procedure in law, within a period of six weeks from the date of receipt of a copy of this order, along with the pay for the period 02.01.2013 to 23.01.2013, which is under consideration by the respondents, as alleged in the impugned order. No costs. Consequently, connected miscellaneous petition is closed.

25-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DS



To:

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State of Tamil Nadu
School Education Department,
Fort St. George
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DPI Compound,
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