

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.Nos.2811, 3778 and 3826 of 2025
and
C.M.P.Nos.22766, 31237 and 31425 of 2025,

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to
Government, School Education
Department, Fort St. George,
Chennai - 600 009.
2. The State of Tamil Nadu
Rep. by its Principal Secretary to
Government, Finance Department,
Fort St. George, Chennai - 600 009.
3. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
4. The State Project Director, SSA,
DPI Campus, Chennai - 600 006.

... Appellants

-VS-

1. R.Bakayaraj
2. V.Seshathiri
3. S.Bharathi
4. Tharmaprabhu
5. S.Ponuvel
6. Muthamil Selvi
7. P.Sudanthira Sumathi
8. Mullai
9. Prakash
10. Saravanan



11. The Teacher Recruitment Board (TRB),
Rep. by its Member Secretary,
College Road, Chennai - 600 006.

WEB COPY

W.A.No.3778 of 2025

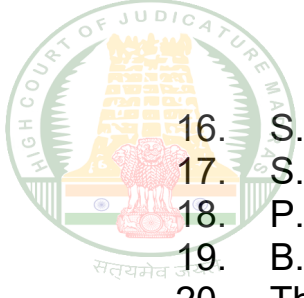
... Respondents

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to
Government, School Education
Department, Fort St. George,
Chennai - 600 009.
2. The State of Tamil Nadu
Rep. by its Principal Secretary to
Government, Finance Department,
Fort St. George, Chennai - 600 009.
3. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
4. The State Project Director, SSA,
DPI Campus, Chennai - 600 006.

..Appellant(s)

Vs

1. P.Vimala
2. D.Santhanam
3. A.Sivan
4. P.Alagurani
5. M.Stella
6. J.Umadevi
7. C.Manjunathan
8. S.Manichandran
9. K.Muraligokulakrishnan
10. V.Balamurugan
11. M.Arumugam
12. A.Vijayalakshmi
13. S.Mariyappan
14. K.Chandrasekaran
15. R.Vijayakumar



16. S.Maheswari
17. S.M.Sathikbatcha
18. P.Muthupandi
19. B.Subha
20. The Teacher Recruitment Board (TRB),
Rep. by its Member Secretary,
College Road, Chennai – 600 006.

WEB COPY

..Respondent(s)

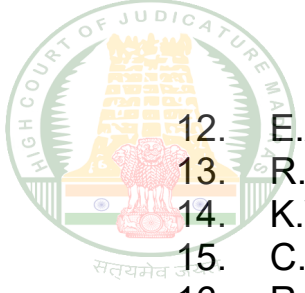
W.A.No.3826 of 2025

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to
Government, School Education
Department, Fort St. George,
Chennai - 600 009.
2. The State of Tamil Nadu
Rep. by its Principal Secretary to
Government, Finance Department,
Fort St. George, Chennai - 600 009.
3. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
4. The State Project Director, SSA,
DPI Campus, Chennai - 600 006.

..Appellant(s)

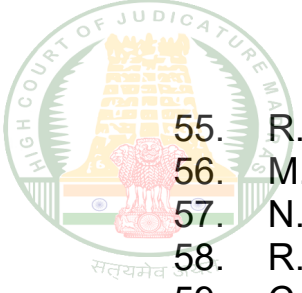
Vs

1. D.Ramajayam
2. V.Govindaraj
3. P.Saraswathy
4. T.Isaiyaruvi
5. T.Anbukarasi
6. C.Priya
7. M.Dinesh Babu
8. A.R.Abbas Ali
9. S.B.Thamizhnesan
10. J.Karthik
11. E.Revathi



WEB COPY

12. E.Ayothi
13. R.Santhi
14. K.Vasudevan
15. C.Vijayakumar
16. R.Sankar
17. C.Elangovan
18. K.Harisankar
19. P.Murugesan
20. K.Buvaneswari
21. A.Jayaprakasan
22. C.Molugu
23. R.Harikrishnan
24. K.Sankari
25. S.Anandhan
26. M.Annamalai
27. K.Thiripurasundari
28. K.Venkatesan
29. G.Vadivelu
30. M.Muniraj
31. G.Pandeeswari
32. R.Revathi
33. M.Bhuvaneswari
34. S.Vasanthi
35. R.Lakshmi
36. C.Mangaiyarkarasi
37. R.Santhi
38. G.Udhaya Banu
39. R.Tamilmalar
40. M.Hema malini Devi
41. K.Balasundari
42. G.Rajapandian
43. K.Saraswathi
44. A.Saritha
45. D.Ambika Devi
46. K.Amuthavalli
47. V.Sarathi
48. M.Sivakumar
49. N.Marimuthu
50. G.Malarvizhi
51. M.Sageetha Banu
52. R.Chitra
53. A.Anburani
54. K.Kogila



55. R.Ilayaraja
56. M.Kiruba
57. N.Pargunan
58. R.Rameshwari
59. C.Devika
60. D.Natesan
61. G.Pushpalatha
62. C.Suguna
63. S.Indirani
64. M.Jeyalakshmi
65. S.Lakshmi
66. N.Amutha
67. S.Kumar
68. N.Veeramani

69. The Teacher Recruitment Board (TRB)
Rep. By its Member Secretary,
College Road, Chennai-600 006.

..Respondent(s)

Common Prayer: To set aside the orders dated 21.12.2023, 20.12.2023 and 09.11.2023 in W.P.Nos.35016, 35419 and 29048 of 2023.

For Appellants: Ms.C.N.G.Niraimathi
Govt. Counsel (in all)

For Respondents: Mr.T.Balachandran for R1 to R10
(in W.A.No.2811 of 2025)
No Appearance in
(W.A.Nos.3778 and 3826 of 2025)

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam,J.)

The present Intra Court appeals have been instituted under Clause 15 of Letters Patent by the State of Tamil Nadu, challenging writ orders dated 21.12.2023, 20.12.2023 and 09.11.2023 in



WEB COPY

W.P.Nos.35016, 35419 and 29048 of 2023. State preferred present appeals mainly on the ground that the financial implication of the order of the writ Court would run into several Thousand Crores and more so, that the writ order has been passed based on an erroneous interpretation of the Government Order issued in G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010.

2. When these matters are taken up for hearing, learned Government Counsel appearing for the appellants would submit that the issue on hand is covered by the earlier Division Bench judgment of this Court dated 08.06.2026 passed in W.A.838 of 2026. She has also produced a copy of the said judgment. Relevant paragraphs of the judgment are extracted hereunder:

“14. A reading of the above portions of G.O.Ms.No.340 would be sufficient to understand that the said Government Order is not a Pay Commission order, but rectification of anomaly made pursuant to the recommendations of the One Man Commission to redress the grievances of contract employees appointed before 01.06.2009 and after 01.06.2009 due to the administrative delay.

15. Let us now consider the right of respondents / Government employees regarding the revised pay in the context of G.O.Ms.No.340.

16. Rule 2(1) of the Tamil Nadu State and Subordinate Service Rules, which were in force during the relevant point of time in respect of the appointments of the respondents, defines that “A person is said to be “appointed to a service” when in accordance with these rules or in accordance with the rules applicable at the time, as the case may be, he discharges, for the first time the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof.”



WEB COPY

17. Even in the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, Section 3(b) defines “appointed to a service” means when a person appointed in accordance with this Act or in accordance with the rules applicable at the time, as the case may be, discharges, for the first time the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof.

18. Therefore, mere selection or publication of a selection list would not confer any right on the candidates.

19. In this regard, the Hon’ble Supreme Court of India in Prafulla Kumar Swain Vs. Prakash Chandra Misra 1993 (Supp) 3 SCC 181, has pointed out the distinction between selection and appointment on the following lines:-

“The term recruitment connotes and clearly, signifies enlistment, acceptance, selection or approval for appointment. Certainly, -this is not actual appointment or posting in service. In contradistinction, the word “appointment” means an actual act of posting a person to a particular office.”

20. Further in State of Madhya Pradesh Vs. Raqhvair Singh Yadav 1994 (6) SCC 151, the Hon’ble Supreme Court has held, that the Government is entitled even to cancel a selection and conduct a fresh recruitment. The candidates, who got selected, may only have a legitimate expectation to be considered but, according to the rules in vogue. Therefore, only by mere recruitment, enlisting or selection the candidates cannot claim a right on par with those who were actually appointed to the service.

21. An employer is well within his powers to cancel the selection at any point of time and the right accrues only after issuance of the appointment order and not otherwise. In the present case, the claim of the respondents is mainly based on the fact that they were selected and that final selection list was published on 07.11.2008. Therefore, according to them, they are to be construed as having been appointed into Government service prior to 01.06.2009 and thus, they are entitled to the monetary benefit under G.O.Ms.No.340.

22. Such a claim is baseless in view of the legal position that mere participation in the selection process or even selection by itself does not confer any right on a candidate. Admittedly, the respondents were appointed only after 02.06.2009 and their pay was fixed in accordance with the pay rules in force as on their respective dates of appointment. Thus, they cannot claim any pay benefit that was granted to the contract employees appointed in the year 2003 during general strike period, and permitted to participate in the Special Competitive Examination conducted by TNPSC and subsequently absorbed into the regular establishment in various Government Departments.



WEB COPY

23. Admittedly, the respondents are appointed into Government service after 01.06.2009, and granted revised scale of pay in force as on their respective dates of appointment. They had not drawn any pay in the pre-revised scale of pay, which was considered under G.O.Ms.No.340 in respect of the contract employees. G.O.Ms.No.340 would not apply to the employees appointed into Government service after 01.06.2009.

24. Hon'ble Supreme Court in the case of S.C.Chandra and Others vs. State of Jharkhand and others reported in (2007) 8 SCC 279, held the fixation of pay is a delicate mechanism which requires various considerations including financial capacity, responsibility, educational qualification, mode of appointment, etc., and it has a cascading effect. If there is complete and wholesale identity between the two groups, even the employees in the two groups are doing identical work, then they cannot be granted higher pay, if there is no complete and wholesale identity. It is further submitted that fixing the pay scales by the Courts by applying the principle of equal pay for equal work upsets the high constitutional principle of separation of powers between the three organs of the State.

25. In the present case, the pay and allowances admissible to the respondents from their respective dates of appointment after 02.06.2009 were granted based on the pay rules in force as on their respective dates of appointment. Therefore, they cannot claim any financial benefits in comparison with the contract employees who were appointed in the year 2003 and subsequently, absorbed into regular service based on the Special Competitive Examination. G.O.Ms.No.340 was issued pursuant to the recommendation of the One Man Commission to redress the grievance of a particular group of employees who faced discrimination on account of the administrative delay in issuing appointment orders.

26. This Court is of the considered view that the learned counsel for the respondents referred to certain earlier orders of this Court granting relief to employees who were appointed after 01.06.2009. Pertinently, the scope of G.O.Ms.No.340 was not considered in those judgments, nor the distinction between the contract employees absorbed into regular Government service through the Special Competitive Examination are discussed.

27. In view of the fact that those factual aspects were not considered in the context of G.O.Ms.No.340, the said judgments cannot be followed as precedents. In the event of considering those judgments, it would result in a huge financial loss running into several Thousand Crores to the State Government, which exactly the arguments placed before this Court by the learned Advocate General.

28. In view of the above factual discussion and legal position considered, this Court has no hesitation in arriving at a conclusion that the writ order cannot be sustained. Accordingly, the Writ Appeal stands



allowed. The impugned order 18.12.2023 passed in W.P.No.18408 of 2023 is set aside. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs."

WEB COPY

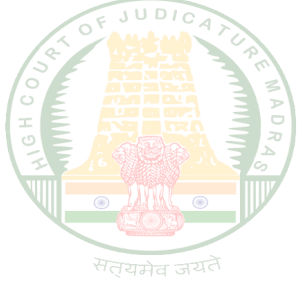
3. Considering the fact that the issue on hand is squarely covered by the earlier judgment of Division Bench of this Court (supra), the present Writ Appeals are allowed. The impugned orders dated 21.12.2023, 20.12.2023 and 09.11.2023 passed in W.P.Nos.35016, 35419 and 29048 of 2023 are set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
23-06-2026

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

To:

The Member Secretary,
Teacher Recruitment Board (TRB)
College Road, Chennai-600 006.



WEB COPY



S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
AR

W.A.Nos.2811, 3778 and 3826 of 2025

23-06-2026