



W.P.Nos.11749, 11750, 11751 & 11752 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.Nos.11749, 11750, 11751 & 11752 of 2014

and

M.P.Nos.1, 1, 1 & 1 of 2014

P.Govindarajan	...Petitioner in W.P.No.11749/2014
S.Kennedy	...Petitioner in W.P.No.11750/2014
K.Rajendran	...Petitioner in W.P.No.11751/2014
N.Balasubramanian	...Petitioner in W.P.No.11752/2014

Vs.

1.The Secretary to Government
Department of Arts, Culture
& Tourism Development
Fort St.George,
Chennai -09.

2.The Commissioner of Arts and Culture
Greenways Road, Chennai -28.

3.The Principal
Government College of
Architecture and Sculpture
Mamallapuram
Kancheepuram District.

...Respondents in all W.P.Nos.



W.P.Nos.11749, 11750, 11751 & 11752 of 2014

Prayer in W.P.No.11749/2014 : This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the second respondent in proceeding Na.Ka.No.7525/A3/2009-1 dated 02.11.2013 and quash the same and consequently direct the respondents to promote the petitioner as Lecturer with effect from 19.08.1989 as per G.O.Ms.No.1081 Education Department dated 19.08.1989 with all monetary and other consequential service benefits and continuity of service.

Prayer in W.P.No.11750/2014 : This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the second respondent in proceeding Na.Ka.No.7525/A3/2009-3 dated 02.11.2013 and quash the same and consequently direct the respondents to promote the petitioner as Lecturer with effect from the date of his initial appointment as per G.O.Ms.No.1081 Education Department dated 19.08.1989 with all monetary and other consequential service benefits and continuity of service.

Prayer in W.P.No.11751/2014 : This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the second respondent in proceeding Na.Ka.No.7525/A3/2009-2 dated 02.11.2013 and quash the same and consequently direct the respondents to promote the petitioner as Lecturer with effect from the date of his initial appointment as per G.O.Ms.No.1081 Education Department dated 19.08.1989 with all monetary and other consequential service benefits and continuity of service.



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Prayer in W.P.No.11752/2014 : This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the second respondent in proceeding Na.Ka.No.7525/A3/2009-4 dated 02.11.2013 and quash the same and consequently direct the respondents to promote the petitioner as Lecturer with effect from 19.08.1989 as per G.O.Ms.No.1081 Education Department dated 19.08.1989 with all monetary and other consequential service benefits and continuity of service.

For Petitioners
in all W.P.Nos. : Mr.R.Prem Narayan

For Respondents
in all W.P.Nos. : Mr.P.Muthukumar
Additional Advocate General
Assisted by

Mr.R.Kumaravel
Additional Government Pleader

COMMON ORDER

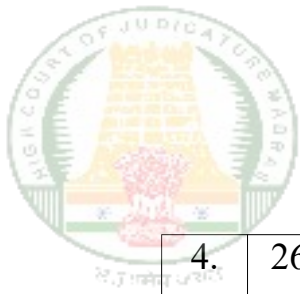
The challenge in these Writ Petitions is to the orders dated 02.11.2013 bearing Na.Ka.No.7525/A3/2009-1, 2, 3 & 4, respectively, passed by the second respondent. By the said orders, the petitioners' request for regularisation of their services as then Associate Lecturers with effect from 19.08.1989 came to be rejected.



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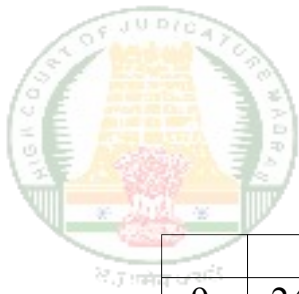
2. The petitioners were appointed as Instructors in the Government College of Architecture and Sculpture, which was initially under the administrative control of the Director of Technical Education. The particulars of appointment of the petitioners in these Writ Petitions are as follows:

Sl. No.	Date	Event
1.	15.03.1983	Mr.N.Balasuramanian, petitioner in W. P. No. 11752 of 2014 was initially appointed as Instructor at Government College of Architecture and Sculpture, Mahabalipuram under Rule 10 (a)(1) of the Tamil Nadu State and Subordinate Service Rules & subsequently his services was regularized in the post of Instructor with effect from the date of his initial appointment on 15.03.1983 vide order dated 14.08.2007
2.	30.11.1988	Mr.P.Govindarajan, petitioner in WP No 11749 of 2014 was initially appointed as Instructor on contract basis in the Government College of Architecture and Sculpture on 30.11 1988 & subsequently his services was regularized in the post of Instructor with effect from the date of his initial appointment on 30.11. 1988 vide order dated 04.04.2007
3.	19.08.1989	The Government of Tamil Nadu had issued G.O. Ms.No 1081 Education Department dated 19.08.1989, wherein it was ordered to discontinue recruitment to the post of the post of Instructors in Polytechnics and Special Diploma Institutions. It was further ordered in the said G.O, that the existing Instructors shall be promoted as Associate Lecturers as and when they acquire the B.E.Qualifications. Para (2) of G.O.Ms.No 1081 categorically states that it is applicable to Special Diploma Institutions also.



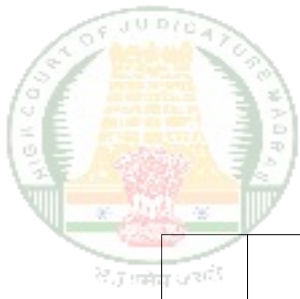
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4.	26.10.1990	Mr.K.Rajendran, petitioner in W.P.No 11751 of 2014 was initially appointed as Instructor in the Government College of Architecture and Sculpture on 26.10.1990 & subsequently his services was regularized in the post of Instructor with effect from the date of his initial appointment on 26.10.1990 vide order dated 18.07 2007.
5.	29.10.1990	Mr.S.Kennedy, petitioner in W.P. No 11750 of 2014 was initially appointed as Instructor in the Government College of Architecture and Sculpture on 29.10.1990 & subsequently his services was regularized in the post of Instructor with effect from the date of his initial appointment on 29.10.1990 vide order dated 18.07.2007.
6.		At the time of initial appointment of the petitioners, the Government College of Architecture and Sculpture was originally under the control of the Director of Technical Education and it was categorized as Special Diploma Institutions. In fact the appointment order of the petitioners were issued by the Director of Technical Education, Chennai.
7.		All the petitioners possess the B.E. Degree Qualification even at the time of their initial appointment as Instructors. Hence as per G.O.Ms.No 1081, they are eligible to hold the post of Associate Lecturer (subsequently redesignated/upgraded as Lecturers)) from the date of their initial appointment.
8.	23.12.1991	Government issued G.O.Ms.No 243 Tamil Development & Culture Department dated 23.12.1991 transferring the administrative control of the Government College of Architecture and Sculpture, Mahabalipuram from the Director of Technical Education to Director of Arts and Culture.



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9.	24.11.2000	Petitioners were promoted as Lecturers.
10.	19.11.2004 & 27.07.2006	Despite of the ban for recruitment to the post of Instructor issued by the Government in GO Ms. No 1081, the Director of Technical Education continued to make recruitment to the post of Instructors in Government Polytechnics and Special Diploma Institutions. Considering the recruitment made to the post of instructors after the issuance of G.O.Ms. No. 1081 the Government issued GOMs No 534 Higher Education Department dated 19.11.2004 & G.O.Ms. No 244 Higher Education Department dated 27.07.2006 retrospectively regularizing the services of those who are appointed as Instructors after 19.08.1989, in the post of Lecturers.
11.		The petitioners made a request to retrospectively regularize their service in the post of Lecturers (Previously designated as Associate Lecturers) with effect from 19.08.1989 or with effect from the date of their initial appointment in the post of Instructor, which ever is earlier, as per G.O.Ms. No 1081.
12.		Since no orders were passed on their representations, the petitioners filed W.P.No 14924 to 14927 of 2014. By order dated 17 12.2012 the Hon'ble High Court of Madras was pleased to dispose the Writ Petitions by directing the respondents to consider and pass orders on the representations of the petitioners.
13.	02.11.2013	The 2nd respondent issued the impugned order rejecting the request of the petitioners by stating that G.O.Ms.No 1081 is not applicable to Government College of Architecture and Sculpture which is a Special Diploma Institution.
14.		In the Counter Affidavit, the respondents admit that the Government College of Architecture and Sculpture was a



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		Special Diploma Institution under the control of Director of Technical Education till 23.12.1991 & only thereafter it came under the control of the 2nd respondent. Para 2 of G.O.Ms.No 1081 categorically states that it is applicable to all the Special Diploma Institutions under the control of the Director of Technical Education. Therefore the respondents cannot take a stand contrary to their own Government order Hence the impugned orders are liable to be set aside.
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3. While the petitioners were working in the said posts, G.O.Ms.No.1081 dated 19.08.1989 was issued by the Special Commissioner and Secretary to Government, i.e., the first respondent herein, whereby recruitment to the Instructor (Teacher) cadre in Polytechnics and Special Diploma Institutions was discontinued. However, it was provided that the existing Instructors would be promoted as Associate Lecturers as and when they acquired the requisite degree qualification. Pursuant to the said Government Order dated 19.08.1989, the Government College of Architecture and Sculpture, in which the petitioners were working as Instructors, was transferred to the Department of Arts and Culture.

4. While the petitioners continued to work as Instructors, the post of Associate Lecturer was re-designated as Lecturer in the year 1994. The petitioners were thereafter promoted to the post of Lecturers in the year 2000.



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Subsequently, the petitioners individually submitted representations to the Government seeking regularisation of their services as Lecturers (earlier Associate Lecturers) in terms of G.O.Ms.No.1081 dated 19.08.1989, which provided for promotion as Associate Lecturer upon acquisition of the requisite degree qualification. The petitioners further represented that they had acquired the B.E. Degree qualification as on the date of their initial appointment and, therefore, were entitled to regularisation with effect from 19.08.1989. However, the said representations came to be rejected by the impugned orders on the ground that the petitioners were working in Special Institutions under the Department of Arts and Culture and not under the Directorate of Technical Education.

5. Heard Mr.R.Prem Narayan, learned counsel appearing for the petitioners, and Mr.P.Muthukumar, learned Additional Advocate General, assisted by Mr.R.Kumaravel, learned Additional Government Pleader appearing for the respondents.

6. Admittedly, the petitioners were initially appointed as Instructors in the Government College of Architecture and Sculpture, which was administered and controlled by the Directorate of Technical Education at the relevant point of time. The dates of appointment of the petitioners are as follows:



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- a. W.P. No.11752 of 2014 – 15.03.1983
- b. W.P. No.11749 of 2014 – 30.11.1988
- c. W.P. No.11751 of 2014 – 26.10.1990
- d. W.P. No.11750 of 2014 – 29.10.1990

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7. G.O.Ms.No.1081 was issued on 19.08.1989, whereby the post of Instructor in Polytechnics and Special Diploma Institutions was discontinued, while providing for promotion of existing Instructors as Associate Lecturers upon acquisition of the requisite degree qualification. In the present case, the petitioners in W.P. Nos.11749, 11750, 11751 and 11752 of 2014 had acquired the required degree qualification as on the date of their initial appointment. Though the College was subsequently transferred to the Department of Arts and Culture, as on the date of issuance of G.O.Ms.No.1081, the petitioners were working in a Government College administered by the Directorate of Technical Education. Therefore, they are entitled to regularisation of their services as Associate Lecturers, subsequently re-designated as Lecturers, with effect from 19.08.1989.

8. It is true that some of the petitioners were appointed after the issuance of G.O.Ms.No.1081. However, in respect of petitioners in W.P.Nos.11751 and 11752 of 2014, their appointments as Instructors were made when the



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Government College of Architecture and Sculpture was still under the administrative control of the Directorate of Technical Education. The subsequent transfer of the institution to the Department of Arts and Culture cannot deprive the petitioners of the benefits flowing from G.O.Ms.No.1081. Therefore, the denial of applicability of the said Government Order to the petitioners is untenable.

9. At the instance of 236 qualified Instructors working in Government and Government-aided Polytechnic Colleges and Special Institutions, who were appointed between 19.08.1989 and 01.12.1995, the Government issued G.O.Ms.No.534 dated 19.11.2004. By the said Government Order, the said 236 Instructors were promoted as Lecturers with effect from 19.08.1989, or from the date of their initial appointment, or from the date of acquisition of the requisite qualification, whichever was later. The benefit of the said Government Order was denied to one similarly placed person, compelling him to approach this Court in W.P. No.7775 of 2018.

10. This Court, by order dated 08.02.2018, directed the State to grant the benefit of regularisation to the petitioner therein with effect from the date on which he acquired the Bachelor's Degree in Fine Arts (B.F.A.), with all attendant benefits. The said order was challenged by the State in W.A.No.2752 of 2018,



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wherein the Division Bench, by order dated 12.12.2023, modified the order of the

learned Single Judge and held that the petitioner therein was entitled to regularisation only from 19.11.2004, i.e., the date of issuance of G.O.Ms.No.534. However, the Division Bench did not advert to the specific provision in G.O.Ms.No.534, which expressly granted retrospective promotion from 19.08.1989 or the date of acquisition of qualification, whichever was later.

11. In the present case, the petitioners in W.P. Nos.11749, 11750, 11751 and 11752 of 2014 had acquired the requisite qualification prior to their initial appointment, and their appointments were made subsequent to G.O.Ms.No.1081 dated 19.08.1989. Therefore, their services as Lecturers ought to be regularised with effect from the date of their initial appointment.

12. Consequently, the impugned orders passed by the first respondent denying regularisation of the services of the petitioners with effect from 19.08.1989 and from the date of their initial appointment are arbitrary, discriminatory, and legally unsustainable.

13. Accordingly, these Writ Petitions are allowed. The impugned orders dated 02.11.2013 in Na.Ka.No.7525/A3/2009-1, 2, 3 & 4, respectively, are

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hereby quashed. The first respondent is directed to reconsider the representations

submitted by the petitioners and regularise the services of the petitioners in W.P.

Nos.11749, 11750, 11751 and 11752 of 2014 with effect from 19.08.1989 and, in

any event, from the date of their initial appointment, provided they had acquired

the B.E. degree qualification, notionally, with all attendant benefits. However, the

petitioners shall not be entitled to arrears of salary. The said exercise shall be

completed within a period of three months from the date of receipt of a copy of

this order. Consequently, the connected Miscellaneous Petitions are closed. No

costs.

19.01.2026

Index : Yes/No

Speaking order : Yes/No

dna



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To

1.The Secretary to Government
Department of Arts, Culture
& Tourism Development
Fort St.George,
Chennai -09.

2.The Commissioner of Arts and Culture
Greenways Road, Chennai -28.

3.The Principal
Government College of
Architecture and Sculpture
Mamallapuram
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HEMANT CHANDANGOUDAR.J.,

dna

W.P.Nos.11749, 11750, 11751 &

11752 of 2014

and

M.P.Nos.1, 1, 1 & 1 of 2014

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