



WEB COPY

W.A.No.1382 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1382 of 2026

and

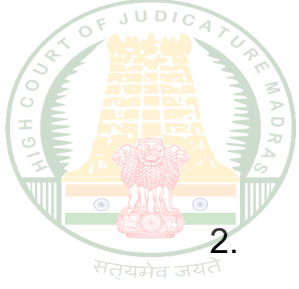
C.M.P.No.12729 of 2026

1. C.Umapathy
S/o.M.Chinnathambi
2. M.Jaya Ganesh
S/o.S.Murugesan
3. L.Murugesan
S/o.Lakshmanan
4. K.Elavarasi
W/o.Ramasamy
5. R.Radhika
D/o.M.S.Pichandi

... Appellants

vs.

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government
School Education Department
Secretariat, Fort St.George,
Chennai-600 009.



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

3. The Member Secretary
Teachers Recruitment Board
DPI Campus, College Road,
Chennai-600 006.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order passed in the writ petition in W.P.No.19708 of 2023 dated 10.07.2024 on the file of this Hon'ble Court.

For Appellants	:	Mr.G.Sankaran, Senior Counsel for Mr.S.Nedunchezhiyan
For Respondents	:	Dr.R.Gowri Government Counsel, for R1 and R2 Mr.C.Kathiravan Standing Counsel, for R3

J U D G M E N T

[Made by **S. M. SUBRAMANIAM, J.,**]

Under assail is the writ order dated 10.07.2024 passed in W.P.No.19708 of 2023. The writ petitioners are the appellants before this Court. The writ of mandamus has been instituted seeking a direction to the respondents to consider the appellants for appointment to the post of



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P.G Assistant (Chemistry) under BC category through TRB Notification

No.10/2019 dated 12.06.2019 on par with similarly placed 27 candidates (out of 37) appointed as P.G. Assistant (Chemistry) even after revision of provisional selection list as per the orders of Hon'ble High Court in W.P.No.34099 of 2019 etc., cases dated 09.01.2020, with all consequential and other attendant benefits, in consideration of the representation submitted by the petitioners.

2. The recruitment notification came to be issued by the Teachers Recruitment Board for selection and appointment to the post of P.G. Assistant (Chemistry). Since the Rule of reservation as contemplated under Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act was not followed, the Court directed the authorities to redo the selection process and publish a revised selection list. Pertinently, prior to the orders of the Court, 27 candidates had already been appointed as per the original selection list and were serving in the post.

3. Mr.G.Sankaran, learned Senior Counsel, appearing on behalf of the appellants, would mainly contend that, in implementation of the judgments of the High Court as well as Hon'ble Supreme Court, the Teachers Recruitment Board cancelled the selection of 37 selected candidates. However, 27 candidates had already joined the post of P.G.



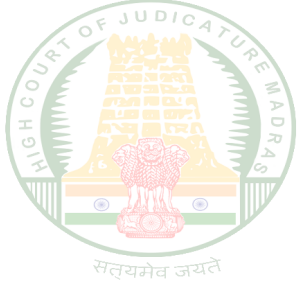
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Assistant (Chemistry) and were working. Subsequently, their services were also regularized by the competent authority. The appellants would contend that, since the selection itself was cancelled in respect of 37 candidates, the appellants ought to have been appointed to the said post.

4. The fact remains that, based on the directions issued by the High Court and Hon'ble Supreme Court of India, the Teachers Recruitment Board published a revised selection list during the year 2022. Consequent upon the revised selection list for P.G. Assistants, it was found that 27 candidates had already been selected and appointed in the Department of Adi Dravidar and Tribal Welfare and their services had also been regularized by the competent authority.

5. Under those circumstances, the Government passed G.O.Ms.No.81, School Education Department dated 06.04.2023, granting permission to allow 54 P.G. Assistants to continue in service and to retain 6 P.G. Assistants in the School Education Department itself without transferring them to the other departments. Paragraph No.5 of the Government Order issued in G.O.Ms.No.81 dated 16.04.2023 reads as follows:

"5. The Government after careful examination hereby accord permission to the Commissioner of School Education



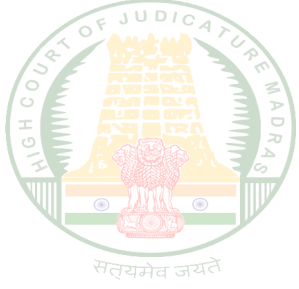
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to allow the 54 Post Graduate Assistants (mentioned in Annexure-I) to continue in their posts without removing them from their services and to retain 6 Post Graduate Assistants, (mentioned in Annexure-II) in School Education Department itself without transferring them to Backward Classes. Most Backward Classes and Minority Welfare Department and also to retain 10 Post Graduate Assistants (mentioned Annexure-III) in School Education Department itself without transferring them to Adi-Dravidar and Tribal Welfare Department, by relaxing the Sections 27 and 28 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and the Rule 4 in the Special Rules for the Tamil Nadu Higher Secondary Educational Service; 'as a special case' with the following terms and conditions:-

(i) The vacancies to the extent of 70 Post Graduate Assistants should be reduced in the estimate of vacancies earmarked for the direct recruitment for the year 2022-2023, it not possible, for the subsequent years, in the respective subjects and in the respective communities of the 70 Post Graduate Assistants, mentioned in Annexure-I, II and III.

(ii) The seniority for the 54 Post Graduate Assistants (in Annexure-I), who will be allowed to continue in their post, without removing them from their services, will be fixed below the candidates appointed afresh in their places as per the revised selection list and as such the 54 Post Graduate Assistants (in Annexure-I) are not eligible to get their seniority



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as per their date of appointment based on the earlier selection list, since they are retained in the service only on a compassionate ground as a 'special case'.

(iii) The seniority for the remaining 16 Post Graduate Assistants (in Annexure-II and III), who will be retained in School Education Department itself without transferring them to Backward Classes, Most Backward Classes and Minority Welfare Department and Adi-Dravidar and Tribal Welfare Department will be fixed as per their ranks assigned to them by the Teachers Recruitment Board.

(iv) The newly appointed 54 Post Graduate Assistants as per the revised selection list, in place of the 54 Post Graduate Assistants (in Annexure-I) shall not claim for fixation of pay on par with the 54 Post Graduate Assistants (in Annexure-I), since they were appointed during years 2020 and 2021 as per the earlier selection lists of the Teachers Recruitment Board, though the seniority of the newly appointed Post Graduate Assistants is fixed above said Post Graduate Assistants, mentioned in Annexure-I to this order."

6. The Government, considering the fact that 27 candidates had already been appointed and their services had been regularized, issued the Government Order protecting their services considering the plight of those appointed candidates. In other words, the Government exercised its



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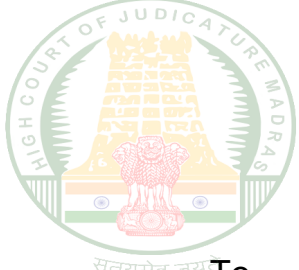
discretion and retained those 27 candidates whose selection had been cancelled by the Teachers Recruitment Board. The discretion exercised by the Government in protecting the services of those 27 appointed candidates would not constitute a ground for the appellants to seek a direction for their appointment to the post of PG. Assistant.

7. Pertinently, the appellants were never appointed. Even after the issuance of the revised selection list, they were not found eligible for appointment to the post of P.G. Assistant. Further, the Government Order in G.O.Ms.No.81, protecting the services of 27 candidates remains unchallenged. That being the factum, filing of the writ of mandamus seeking a direction to appoint the petitioners to the post of P.G. Assistant (Chemistry) is not maintainable and therefore, cannot be entertained. Thus, this Court does not find any infirmity in respect of the decision taken by the writ Court. Accordingly, the Writ Appeal stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (N.S.,J.)
04.06.2026

Index : Yes
Neutral Citation : Yes
Speaking order
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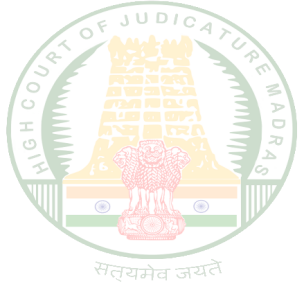
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सत्यमेव जयते To
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**S. M. SUBRAMANIAM, J.,
and
N.SENTHILKUMAR, J.,**

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