



W.A.(MD)No.429 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.02.2026

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

W.A.(MD)No.429 of 2021

M.R.Ravichandran

... Appellant

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
School Education Department,
Fort St.George, Chennai.
- 2.The Director of School Education,
O/o.The Director of School Education,
DPI Campus, Chennai - 6.
- 3.The Joint Director of School Education (Vocational),
O/o.The Joint Director,
DPI Campus, Chennai – 6.

4.M.Maheswaran

... Respondents

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.15233 of 2014 dated 09.10.2020 on the file of this Court.



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For Appellant : Mr.G.Karthik,
For Mr.S.Rajasekar.

For Respondents : Mr.T.Amjadkhan,
Government Advocate for R1 to R3.

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

The unsuccessful writ petitioner has filed this writ appeal. The writ petitioner was appointed as Vocational Instructor on 13.01.2009 in a Government Higher Secondary School. The appellant contended that his pay was erroneously fixed. Seeking higher pay scale on parity with employees covered by G.O.(Ms)No.840 Fiance (Pay Commission) Department dated 31.07.1990, the appellant filed W.P.(MD)No.15233 of 2014. The learned Single Judge vide order dated 09.10.2020 dismissed the writ petition. Aggrieved by the same, this writ appeal has been filed.

2.It is fairly brought to our notice that the issue raised in this writ appeal is no longer *res integra*. The Hon'ble Full Bench of this Court vide order dated 05.03.2021 in W.A.(MD)No.201 of 2021 had held as follows:-



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“16.The legal position no longer admits of any doubt. Certain anomalies may arise in specific cases. There cannot be perfect equality in any matter on an absolute scientific basis and there may be certain inequities here and there (Para 5 in H.P.Gupta and another Vs Union of India, (2002) 10 SCC 658). Grant of the benefit of the doctrine of “equal pay for equal work” depends upon a large number of factors including equal work, equal value, source and manner of appointment, equal identity of group and wholesale or complete identity (Para 24 in State of Punjab Vs Surjit Singh and others, (2009) 9 SCC 514). If this test of complete or wholesale identity is applied, the respondents have to necessarily fail. The respondents were recruited under a particular G.O which created a separate class of posts with a specified pay scale governed by statutory Ad hoc rules. Both G.Narayanasamy as well as Vasimalai were regularised before the coming into force of the Ad hoc rules. They were not recruited under G.O.Ms.No.129 dated 18.05.1999. They do not belong to the class to which the respondents herein were appointed. It is true that the respondents are discharging the same duties and responsibilities discharged by G.Narayanasamy and Vasimalai. But that cannot be the sole criterion to determine the issue. A mathematical analogy may clarify better. G.Narayanasamy and Vasimalai constitute a 'set'. The respondents constitute another 'set'. If we super-impose one on the other, and a complete and wholesale identity obtains, then a case for parity is made out and not otherwise. Mere overlapping is not sufficient. In the present



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case there is only overlapping and no complete / wholesale identity.

20.To reiterate, vocational instructors recruited through the Teachers Recruitment Board for the posts created vide G.O.Ms.No. 129, dated 18.05.1999 and G.O.Ms.No.63, dated 13.03.2007, who are governed by G.O.Ms.No.6, dated 04.01.2000 are not entitled to claim parity of pay scale with those appointed initially as double part-time vocational instructors and who were subsequently regularised under G.O.Ms.No.967, dated 16.10.1992.”

3.Adopting the very same approach, we sustain the order of the learned Single Judge and the writ appeal stands dismissed. No costs.

**(G.R.S. J.) & (R.K.M. J.)
03.02.2026**

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