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W.A.(MD)NO.576 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.POORNIMA

W.A.(MD)No.576 of 2021

and

C.M.P.(MD)No.2625 of 2021

1. State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.

2. The Director of School Education,
College Road,
Chennai – 600 006.

... Appellants / Respondents

Vs.

K.Ayyakannu

... Respondent / Petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 18.03.2020 passed in W.P.(MD) No.5616 of 2020 on the file of this Court and allow the writ appeal.

For Appellants : Mr.C.Venkatesh Kumar,
Special Government Pleader.

For Respondent : Mr.K.V.Subramanian

* * *

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

Heard both sides.

2.The writ petitioner was appointed as B.T Assistant on 11.11.2005. The appointment was made in terms of G.O(Ms)No.55 dated 02.06.2004. As per the said GO, the appointee was required to serve on consolidated pay for a period of 5 years. Later, this condition was relaxed vide G.O(Ms)No.100 dated 27.06.2006. The writ petitioner was brought under the time scale of pay with effect from 01.06.2006. While so, the petitioner filed W.P(MD)No.5616 of 2020 seeking regularisation with effect from the date of initial appointment. The said writ petition was allowed by the learned single Judge by placing reliance on the order dated **13.01.2020** made in ***W.A.No.3904 of 2019 (Government of Tamil Nadu, Rep. By its Secretary and others Vs. T.Kunju Krishnan and others)***. Aggrieved by the order dated 18.03.2020 allowing the writ petition, this writ appeal has been filed by the State.



3.The issue raised in this writ appeal is no longer *res integra*.

The learned Special Government Pleader draws our attention to the order dated 01.06.2021 made in W.A(MD)No.299 of 2021 etc., batch. The issue raised in the said writ appeals was identical. The writ appeals were allowed on 01.06.2021.

4.Our attention is also drawn to the order dated 14.10.2025 made in W.A.(MD)No.435 of 2020. The factual matrix obtaining in the said writ appeal is also identical. The Hon'ble Division Bench held as follows:-

"6.The Division Bench of this Court in the writ appeals in W.A(MD)Nos.299 of 2021 batch, dated 01.06.2021 in paragraph 59 & 60 has held as follows:-

"59.That apart, the belated attempt made by the respondents / writ petitioners is liable to be rejected for several reasons. Firstly, they are estopped from contending contrary to the Government Orders, contrary to the terms and conditions of the Government Orders and contrary to the conditions contained in the agreement to which they have agreed. Secondly, the challenge to the policy decision to downgrade the post to that of the Junior Grade Teacher was rejected and the decision of the Government has been upheld. The request



made by some of the teachers to reckon the period of service prior to 01.06.2006 was directed to be considered by the Director of School Education pursuant to an order passed in a Writ Petition. The representation was considered and rejected and the same has not been challenged and after lapse of nearly fourteen years, suddenly the respondents / writ petitions have come up with this fanciful claim, which is absolutely untenable and unsustainable in law.

60.The present attempt of the respondents / writ petitioners is to march over the regularly promoted PG Assistants, who are only 62 number, whereas the Junior Grade Teachers, like the respondents / writ petitioners are more than 3000. Thus, the relief sought for by the respondents / writ petitioners is misconceived and liable to be rejected and accordingly, rejected."

7.The writ petitioners herein, who are arrayed as respondents in the writ appeal, are similarly placed persons. They have also not challenged their order of appointment or the agreement which they entered while joining service. They have also not chosen to challenge the Government Order, in which, their services were regularised.

8.In such circumstances, a mandamus cannot be issued providing seniority from the date of their initial appointment. The order of the Division Bench in W.A.



(MD)Nos.299 of 2021 batch cases dated 01.06.2021 is squarely applicable to the facts of the present case."

5.The same approach has to be adopted in the present case also. The order of the learned single Judge is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
11th March 2026

NCC : Yes / No
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