



W.A.(MD)No.627 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.627 of 2021
and
C.M.P.(MD)No.2806 of 2021**

1.The Secretary to Government,
Education Department,
Fort St. George,
Chennai - 600 009.

2.The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

3.The Joint Director of School Education
(Higher Secondary),
DPI Compound, College Road,
Chennai - 600 006.

4.The Chief Educational Officer,
Dindigul District, Dindigul.

... Appellants

Vs.

D.Kannan

... Respondent



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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.15018 of 2014 dated 01.11.2019 on the file of this Court.

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

For Respondent : Mr.J.Lawrance

JUDGMENT

(Judgment of the Court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The government has filed this intra-court appeal assailing the order dated 01.11.2019 passed by the learned Single Judge allowing W.P.(MD)No.15018 of 2014 filed by the respondent herein.

3.The respondent was appointed as part-time Vocational Instructor by the Parent Teachers Association in the year 2001. The respondent filed the aforesaid writ petition seeking regularization by citing his length of service. The learned Single Judge vide order dated 01.11.2019 directed the government to regularize the writ petitioner as a full time vocational instructor.



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4.The question that calls for consideration is whether the order passed by the learned Single Judge is sustainable.

5.The issue raised in this writ appeal is no longer *res integra*. The Hon'ble Supreme Court vide judgment dated 15.02.2025 in S.L.P.(C)Nos.6162 and 6163 of 2022 (The State of Tamil Nadu Vs. M.Theivanayagi) had settled the issue. The relevant portions are as follows:-

“2.The short question for consideration is as to whether a part-time Vocational Instructors ap-pointed by the Parent Teachers Association can seek an order of regularization by placing reliance upon a Government order passed in G.O. Ms No.35. School Education (VE) Department, dated 09.02.2007, which was meant to grant a one-time concession.

5.Law has been quite settled on the issues raised. Grant-in-aid itself is not a vested right. If an institution seeks a grant- in-aid, it necessarily has to abide by the conditions imposed by the Government. The facts governing the present case are much worse. The appointment was made as a part-time vocational teacher by the Parent-Teachers Association. Therefore, such an appointment was not even made by the institution itself. Even assuming that such an appointment could be made, it could only be with prior approval of the Government. Regularization, by its very nature, is a concession



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extended by the appellants, and no right can be claimed on basis of such concession. On a perusal of the Government Order referred supra, it is clear that it was meant as a one-time measure.

6.Much reliance has been placed on the earlier orders passed by the Division Bench of the High Court followed by the dismissal of the Special Leave Petitions. In our considered view, a negative equality can never form the basis for granting relief. The facts analysed by us was not taken note of at the time of rendering those decisions. In the absence of any legal right, the respondent cannot seek parity.”

6.Respectfully applying the ratio laid down above, 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.S. J.) & (R.P. J.)
03.03.2026

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