



W.A(MD) No.1059 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 03.02.2026

CORAM

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

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&

C.M.P.(MD)No.8030 of 2023

- 1.The 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.
- 3.The District Educational Officer,
Kumbakonam Education District,
Kumbakonam,
Thanjavur District. ... Appellants / Respondents 1 to 3

Vs.

- 1.M.Sivaganesan ... 1st Respondent / Writ Petitioner
- 2.The Correspondent,
Thiruvaduthurai Adheenam,
Higher Secondary School,
Thiruvadaimaruthur,
Thanjavur District ... 2nd Respondent / 4th Respondent



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the Judgment dated 07.07.2022 in W.P.(MD)No.16881 of 2014 on the file of this Court.

For Appellants : Mr.T.Amjad Khan
Government Advocate

For Respondents : Mr.G.Sankaran
for R1

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The State has filed this writ appeal questioning the order dated 07.07.2022 passed by the learned single Judge allowing W.P.(MD)No. 16881 of 2014. The writ petitioner was appointed as middle grade graduate teacher on 21.12.2002. His service was regularised on 01.06.2006. Subsequently, the writ petitioner demanded that his service should be regularised with effect from the date of his original appointment ie., on 21.12.2002. With the aforesaid prayer, W.P.(MD)No. 16881 of 2014 came to be filed and it was allowed on 07.07.2022.



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3. The question that calls for consideration is whether in this writ appeal, the order of the learned single Judge has to be reversed.

4. The issue raised in the writ petition is no longer *res integra*. The Hon'ble Division Bench vide order dated 01.06.2021 in W.A. (MD)No.299 of 2021 etc., batch, in paragraph Nos.59 & 60 had 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 un-sustainable in law.

60.The present attempt of the respondents / writ petitioners is to march over the regularly promoted PG Assistants, who are only 62



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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."

61. In the result, the writ appeals are allowed and the orders and directions issued in the writ petitions are set aside and consequently, the writ petitions are dismissed."

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.S., J.) (R.K.M., J.)
03.02.2026

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