



W.P.No.38357 of 2025 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.11.2025

PRONOUNCED ON : 26.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.38357, 38543, 40805, 40868, 40872, 43045,
43048, 43119 of 2025

and

W.M.P.Nos.42890, 42897, 42900, 42901, 43092, 43093, 43094, 45719,
45726, 45802, 45807, 45811, 45813, 48178, 48179, 48181 to 48185,
48188, 48278, 48280, 48281, 48283 of 2025

W.P.No.38357 of 2025 :-

1. Sudantirarajan
2. Kathiravan K
3. Ramalingam Murugesan
4. Manikandan T
5. G.Saravanan

... Petitioner

Vs.

1. The Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Commissioner,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Anna University, Guindy,
Chennai – 600 025.



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3. The Syndicate Secretary,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore – 608 002.

4. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram.
Annamalai Nagar,
Chidambaram,
Cuddalore – 608 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned G.O.217 dated 20.08.2025 and of the consequential impugned proceedings of the second respondent in 31232/A5/2025 dated 03.10.2025, and to quash the same insofar as petitioners concerned and consequently direct the first respondent to issuance of protective guidelines ensuring that redeployment of surplus staff of Annamalai University carried out strictly with protection of cadre, grade, pay, increments, seniority and pensionary benefits, continuity of service without break preservation of promotional avenues, and clarity regarding re-absorption after three years.

For Petitioners

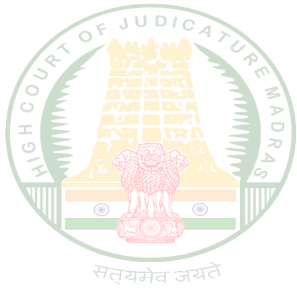
in W.P.No.40805

of 2025 : Mr. S.Ramesh

in W.P.Nos.40868

&40872 of 2025 : Mr.R.Singaravelur, Senior Counsel

For Ms.P.Brindha



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in W.P.Nos.38357
38543, 43045, 43048
43119 of 2025 : Mr.C.Iyyapparaj

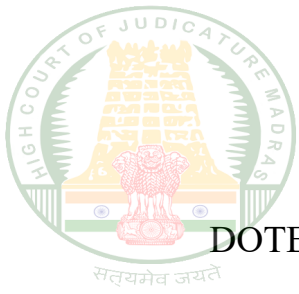
For Respondents

For R1 in W.P.
Nos.40868, 40872
of 2025 : Mr.M.R.Gokul Krishnan
For R2 in W.P. Additional Government Pleader
Nos.38357,
38543, 40805,
43045, 43048,
43119 of 2025

For R2 in W.P.
Nos.40868, 40872
of 2025 : Mr.M.Ajmal Khan
For R3 & R4 in Additional Advocate General
W.P. Nos.38357, Assisted by Mr.S.Venkatesh
38543, 40805, For M/s. Ajmal Association
43045, 43048,
43119 of 2025

COMMON ORDER

All the Writ Petitions have been filed challenging the order passed by the Government of Tamil Nadu dated 20.08.2025 & 09.09.2025 and consequential proceedings, thereby deploying the surplus teaching and non teaching staff in various category of the Annamalai University to the Government Engineering Colleges/Polytechnic Colleges/Directorate of Technical Education and Public Works Department (Technical Education circle and construction wing of



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DOTe) on agreement basis for a period of three years, as per Section 19 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2019 (hereinafter referred to as “the TNGS Act”).

2. The issues involved in all these Writ Petitions are similar in nature and therefore this Court is inclined to pass a common order.

3. The Annamalai University was originally established under the Annamalai University Act, 1928 (hereinafter referred to as “the Old Act”). In the year 2013, the Government of Tamil Nadu has passed a new Act viz., Annamalai University Act, 2013 (hereinafter referred to as “the New Act”) by repealing the Old Act. New regulations came into force in the year 2020. All the petitioners were appointed before the New Act came into force, when the Old Act was still in force. The petitioners were appointed as Technical Assistants, Laborers and subsequently they were promoted to various posts such as Assistant Professors, Professors etc. Their posts were regularized by the Annamalai University in the existing places.

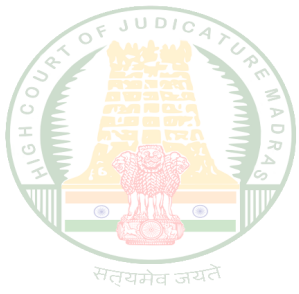


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4. While being so, as per the government order in

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1368 staff member including 82 teaching staff and 1286 non-teaching staff were identified as surplus and it was ordered to redeploy them to Government Arts & Science Colleges, Government Polytechnic Colleges and Special Institutions, Government Engineering Colleges, Universities, Secretariat Departments and Government Departments and Undertakings. Further as per the above government order dated 20.08.2025, 230 staff including 14 teaching staff and 173 skilled assistants were also added to be redeployed to Government Engineering/ Polytechnic Colleges on agreement basis for a period of three years. Further, as per the government order in G.O.(D).No.236 Higher Education (H1) Department dated 09.09.2025, 92 surplus non-teaching staff were posted in the cadre of Technical Assistant and Instructor Special Grade to the Government Engineering Colleges/Government Polytechnic Colleges through redeployment on agreement basis for a period of three years, as per Section 19 of the TNGS Act. Accordingly, all the petitioners were redeployed to various Government Engineering, Polytechnic Colleges and other departments, as stated supra, for the period of three years on agreement basis subject to terms and conditions.



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WEB COPY 5. The learned counsel appearing for the petitioners in all the Writ Petitions submitted that the grievances of the petitioners are that they were redeployed without cadre and grade protection and without considering their further prospects. Therefore, their redeployment are arbitrary and discriminatory and also in clear violation of Articles 14 & 16 of the Constitution of India. While redeploying them, if there are any alteration in service conditions, it would definitely affect the employees and it is contrary to the Section 19 of the TNGS Act. Further it also violates the provision under Section 40 of the TNGS Act, which mandates that the seniority of government servants transferred in public interest shall be determined with reference to their original date of appointment. The denial of such protection to the petitioners, not on their own volition but due to administrative exigency, is illegal, arbitrary and contrary to the statutory provisions.

5.1. They further submitted that the respondents also failed to follow the University Grants Commission (hereinafter referred to as “UGC”) guidelines and recommendations made by the financial committee. Further the denial of the continuity of service, increments,



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pensionary entitlements and promotional avenues amounts to a violation of the fundamental rights to livelihood guaranteed under Article 21 of the Constitution of India. The redeployment must be made keeping in mind the category of the petitioners and it must be made strictly in accordance with their existing category and cadre status and not in a lower designation. Further it doesn't wishper about the re-absorption of the petitioner after the expire of three years. Therefore, the denial of revertal to the parent institution amounts to forced employment and infringes personal liberty as guaranteed under Article 21 of the Constitution of India. The respondents failed to follow the All India Council for Technical Education Regulations while maintaining the ratio between the students, Professors, Associate Professors and Assistant Professors. Without following the same, the respondents mechanically deployed the teaching staff when there is no excess teaching staff.

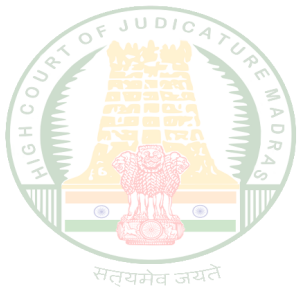
6. The respondents filed counter and the learned Additional Advocate General appearing for the respondents submitted that the Old Act did not provide for restrictions in the matter of appointment of both teaching and non-teaching staff and as a result of which excessive appointments were made beyond the need of the university. Further



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closure of the Distance Education Centres across the country imposed substantial financial implications upon the university and the employment of the staff who were employed at those Distance Education Centres came at stake. It has also worsened the financial affairs of the university. Therefore, the government had taken over the Annamalai University by enacting the New Act by repealing the Old Act.

6.1. Insofar as the non-teaching staff are concerned, totally 8443 staff were working in the university, while the sanctioned strength is only 1110, out of which 4722 were found to be surplus and the list of 4722 surplus non-teaching staff was sent to the government. In pursuant to the resolution of the Finance Committee and also the Syndicate, the process of deputation was started and over 75% of the surplus staff have already been deputed. The other category of staff viz., Assistant Executive Engineer, Assistant Engineer, Junior Engineer, Technical Assistant, Semi-skilled Assistant (Electrical), Semi-skilled Assistant (Water supply) Semi-skilled helper, Pharmacist, Cleaner, Marker and Sweepers were also redeployed. Overall, 1431 teaching and 3636 non-teaching staff have been redeployed to the government departments and institutions on an agreement basis.



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WEB COPY 7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

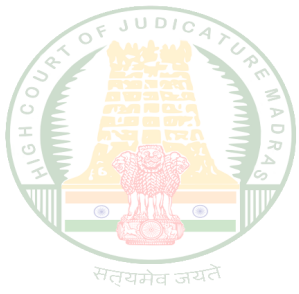
8. The similarly placed teaching and non-teaching staff filed a batch of Writ Petitions before this Court in W.P.No.34308 of 2023 etc., batch and this Court by an order dated 10.04.2024, issued the following directions :-

“24. For all the foregoing reasons, all the Writ Petitions stand allowed. Consequently, the following orders and directions are issued:

(a) All the orders passed by the State Government, as well as the University, re-designating each of the petitioners herein to a lower cadre, as well as re-fixing and reducing their pay scales from Rs.15,600 – 39,600 + Grade Pay Rs.5,400 to Rs.9,300 – 34,800 + Grade Pay Rs.4,600, are hereby declared as illegal.

(b) The State Government, as well as Annamalai University shall forthwith pass appropriate orders, restoring the pay scales of all these petitioners herein to their original scale of pay.

(c) In case, the scales of pay of any of the petitioners herein have already been reduced and given



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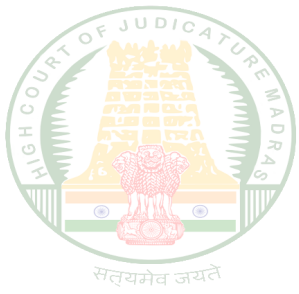
effect to, the difference of the total salary emoluments shall be refunded to them.

(d) The respondents shall pass appropriate orders, re-designating the various posts of these petitioners to the same post they were holding, immediately prior to their re-designation or to any other nomenclature of a post, which may hold the same pay scale or higher pay scale, which the petitioners were drawing at the time of their re-designation or in the alternate, create equal supernumerary posts and accommodate them by passing suitable orders.

(e) All the above directions shall be complied by the respondents, within a period of four (4) weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petitions are closed.”

9. Aggrieved by the same, the Annamalai University preferred appeals in W.A.No.1309 of 2024 etc., batch and the Hon'ble Division Bench of this Court by the judgment dated 24.03.2025, disposed all the Writ Appeals with some more directions as agreed by the teaching and non-teaching staff. The directions issued by the Hon'ble Division Bench of this Court are extracted hereunder :-



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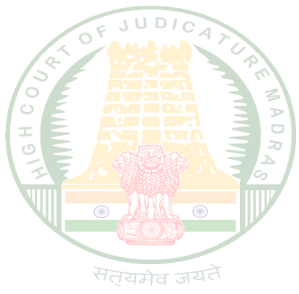
“7. In view of the said understanding reached, these appeals are disposed of with the following directions:

(i) The 263 employees, who had signed the offer that has been produced before us will be re-deployed to similar or equivalent post in Government departments, which carry the same scale of pay;

(ii) They will also be given the benefits of the pay fixation done by the 7th Pay Commission with effect from 01.04.2018 notionally and with monetary benefits from 01.04.2025;

(iii) Annual increments will also be provided on the notional fixation of the salary with effect from 01.04.2018 as per the recommendation on the 7th Pay Commission and monetary benefits of such annual increments will flow from 01.04.2025. They will also be assured of security in employment with all service benefits till the age of superannuation. This re-deployment will be for a period of three years and will be extended depending of the exigencies. These 263 persons have also undertaken to join the re-deployed post by 01.04.2025.

No costs. Consequently, the connected miscellaneous petitions are closed.”



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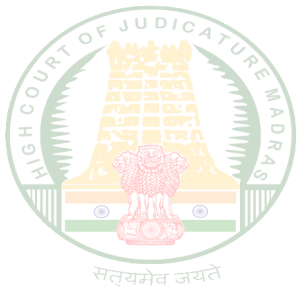
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10. Insofar as the petitioner in W.P.No. 40868 of 2025 is concerned, he was appointed as Special Grade Instructor with the qualification of Diploma in mechanical Engineering and also Bachelor of Engineering (Mechanic). Further, he holds a post graduate degree in M.E. and also Ph.D. Now he has been redeployed and posted as Lab Assistant which is of Skilled Assistant Grade II, the lowest category in Alagappa Government Polytechnic College, Karaikudi. Further, he is medically ill and survives only with the help of an oxygen cylinder, as he suffers from severe Asthma. That part, he is aged about 58 years old which means that he is on the verge of retirement.

11. In view of the above, this Court is inclined to issue the following directions :-

(a) The impugned orders passed by the respondents in all the Writ Petitions, thereby re-designating each of the petitioners herein to a lower cadre, as well as re-fixing and reducing their pay scales are hereby declared as illegal.

(b) The respondents shall forthwith pass appropriate orders, restoring the pay scales of all these petitioners herein to their original scale of pay.

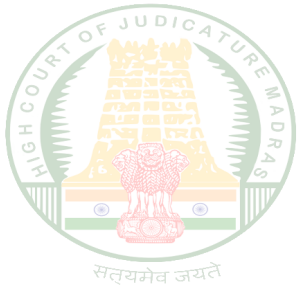


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(c) In case, the scales of pay of any of the petitioners herein have already been reduced and given effect to, the difference of the total salary emoluments shall be refunded to them.

(d) The respondents are directed to pass appropriate orders by re-designating the petitioners to various posts in the same cadre which were held by them in the same scale of pay, which the petitioners were drawing at the time of their re-designation or in the alternate, create equal supernumerary posts and accommodate them in the respective Government Colleges and institutions by passing suitable orders, within a period of four (4) weeks from the date of receipt of a copy of this order.

(e) Insofar as the petitioner in W.P.No.40868 of 2025 is concerned, considering the illness of the petitioner, the order passed by the first respondent dated 17.10.2025, is hereby set aside. The respondents are directed to permit the petitioner to continue his original post. It is made clear that, if the petitioner in W.P.No.40868 of 2025 is entitled for any promotion, the respondents shall consider the same and pass appropriate orders.



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WEB COPY 12. Accordingly, all the Writ Petitions stand allowed.

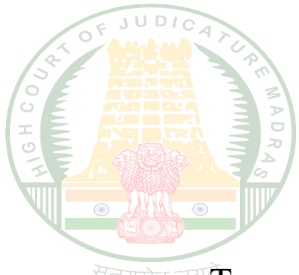
Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

26.11.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

Note : Registry is directed to
incorporate cause title for all
the cases and issue order copy.

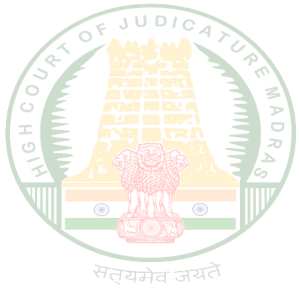
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To
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G.K.ILANTHIRAIYAN. J,

rts

Common Order in
W.P.Nos.38357, 38543, 40805, 40868,
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