

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-10-2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**WP No. 40231 of 2026
and WMP Nos.45153 & 45154 of 2026**

CNR: {HCMA012377372026}



Case QR

Dr.Rajeswaran
Principal,
Government Law College,
Vellore, residing at B/67,
Renga Nagar 2nd Street,
K.K. Nagar, Trichy - 21.

..Petitioner(s)

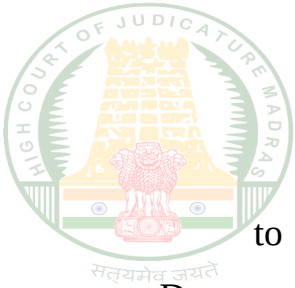
Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Law (LS) Department,
Fort St. George, Secretariat,
Chennai 600 009.
2. The Director of Legal Studies
Kilpauk, Chennai - 600 010
3. Dr. Gowri Ramesh, Director of Legal Studies
Tamil Nadu Dr. Ambedkar Law University,
Chennai.

..Respondent(s)

W.P.No.40231 of 2026

calling for the records relating to G.O.(Ms.)No.246, Law (LS) Department, dated 08.09.2026 of the 1st Respondent herein, quash the same and direct the 1st Respondent to consider the candidature of the Petitioner for empanelment for promotion as Director of Legal Studies and in terms of his suitability and seniority to forthwith appoint him to the said post and pass

**WMP No. 45153 of 2026**

to dispense with the production of G.O.(Ms.)No.246, Law (LS) Department, dated 08.09.2026 issued by the 1st Respondent.

For Petitioner(s): Mr.M.Ravi

For Respondent(s): Mr.Vijay Narayanan
Advocate General assisted by
Mr.S.Ranjith Kumar
Additional Government Pleader for R1 and R2

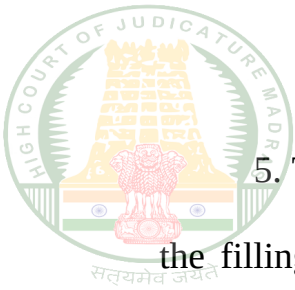
ORDER

Notice before admission.

2. Mr.S.Ranjith Kumar, learned Additional Government Pleader takes notice for the respondents 1 and 2.

3. The learned counsel for the petitioner is permitted to take out private notice on respondent No.3 and file proof of service by the next date of hearing.

4. This writ petition has been filed challenging the orders issued by the Government in G.O.(Ms.)No.246, Law (LS) Department, dated 08.09.2026, whereby the 3rd respondent herein was temporarily promoted to the post of Director of Legal Studies of Tamil Nadu Dr. Ambedkar Law University under Section 47(1) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (hereinafter referred to as 'Act, 2016').



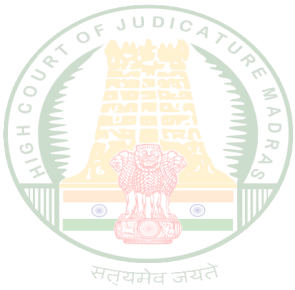
5. This is the second time the petitioner has approached this Court against the filling up the post of Director of Legal Studies. On an earlier occasion, when the 3rd respondent herein, who was working as Registrar of the University, was kept in full additional charge of the post of Director of Legal Studies, the petitioner has approached this Court by filing W.P.No.25008 of 2026.

6. A Co-ordinate Bench of this Court, vide order dated 30.06.2026, passed an interim order restraining the 3rd respondent herein from continuing in full additional charge of the post of Director of Legal Studies till 04.08.2026. Aggrieved by the said interim order, the 1st respondent herein filed a Writ Appeal in W.A.No.2144 of 2026. The said Writ Appeal was allowed by the Hon'ble Division Bench of this Court, vide order dated 23.07.2026, basing upon the assurance given by the learned Advocate General stating that the post of Director of Legal Studies in question would be filled up under Rule 2(a) of the Special Rules for the Tamil Nadu Legal Educational Service by appointing a full-time Director within a period of two months. The operative portion of the said order reads as under:

“31. Accordingly, the writ appeal stands allowed with the following directions:

i. The interim order dated 30.06.2026 passed by the learned Single Judge in W.M.P.No.27283 of 2026 in W.P.No.25008 of 2026 is set aside.

ii. The assurance of the learned Advocate General that the process to fill up the post of Director of Legal Studies in consonance with Rule 2(a) of the Special Rules for the Tamil Nadu Legal Educational Service would be completed within



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a period of two months and further, the fourth respondent will not participate in the Syndicate Meetings as a Member in the capacity of holding full additional charge as the Director of Legal Studies, is recorded.

iii. The learned single Judge is requested to take up the writ petition for final hearing, after affording a reasonable opportunity to the parties to complete their pleadings by filing counter affidavits.

iv. It is made clear that the observations made in this order are solely for the purpose of deciding this appeal and will have no bearing on the final decision of the writ petition.”

7. From the above, it is evident that the Hon’ble Division Bench allowed the writ appeal basing on the assurance given by the learned Advocate General. In terms of the above said assurance, the 1st respondent is under an obligation to fill up the post of Director of Legal Studies strictly in terms of Rule 2(a) of the said Rules, alone.

8. From the perusal of the impugned order dated 08.09.2026, it is abundantly clear that the temporary promotion granted in favour of the 3rd respondent herein is not in terms of Rule 2(a) of the said Rules, but it was under Section 47(1) of Act, 2016. Section 47(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 reads as under:

“47. Temporary Promotion. – (1) *Where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in a post borne on the cadre of a higher category in a service or class by promotion from lower category and there would be undue delay in making such promotion in accordance with the provisions of the Act, the appointing authority may temporarily promote a person, who possess the qualifications prescribed for the post,*

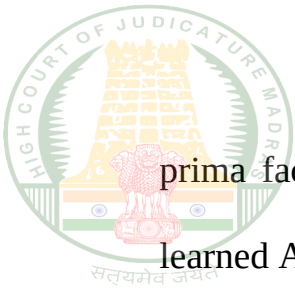


otherwise than in accordance with this Act.”

From the reading of the above provision, the impugned order cannot be said to be a promotion effected under Rule 2(a) of the Special Rules.

9. The learned Advocate General contended that any appointment by way of promotion would be initially on a temporary basis and thereafter the same would be regularized and that, the impugned order of temporary promotion has been issued under Section 47(1) of the Act, 2016, but, in fact, the same is in terms of the Rule 2(a) of the Special Rules only and in accordance with the assurance given before the Hon'ble Division Bench of this Court. He further contended that the 3rd respondent herein has already assumed charge about three weeks back and therefore, disturbing the 3rd respondent at this stage is not warranted, and sought time for filing counter. He also further submitted that passing of any interim stay at this length of time would amount to granting final relief at the interlocutory stage itself.

10. It is now well settled that the assurance or statements made by learned Advocate General before this Court are binding on the state. Once an assurance was given before this Court as noted above, the respondent State ought to have taken all necessary steps to fill up the post of Director of Legal Studies strictly in accordance with Rules 2(a) of the Special Rules. But, the impugned order

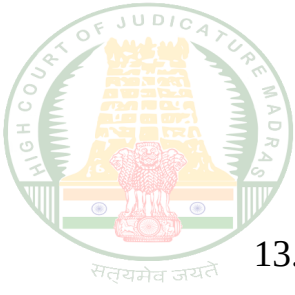


prima facie appears to be not in accordance with the assurance given by the learned Advocate General before the learned Division Bench of this Court.

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11. In the normal course, this Court would not pass any interim order after the 3rd respondent has assumed the charge of the post of Director of Legal Studies pursuant to the impugned order. But, in the peculiar facts of the present case, this Court is of the considered view that the said principle cannot be applied. There is absolutely nothing in the impugned order to suggest that the same was a promotion in terms of the Rule 2(a) of the Special Rules. On the contrary, the Government invoked Section 47(1) of Act, 2016, which is an emergency power conferred on the Government to fill up the post of Director of Legal Studies. Filling up the post of Director of Legal Studies by invoking the Section 47(1) of the Act, 2016, is totally contrary to the assurance given before this Court by the learned Advocate General, which in fact made the learned Division Bench of this Court to allow the W.A.No.2144 of 2026.

12. In the light of the above, this Court cannot remain oblivious to the assurance given by the learned Advocate General before this Court and order passed in W.A.No.2144 of 2026 and allow the respondent State to act on whims and fancies in total disregard of the orders passed by the Hon'ble Division Bench of this Court. If the same allowed, the same would result in eroding the confidence of public in the judicial system itself.



13. In the circumstances, this Court is of the considered view that this is a fit case where an interim stay is required to be granted. If this Court does not respond to the situation like this, the same would lead to a failure of justice. In the circumstances, there shall be an interim stay for a period of six weeks.

14. List the matter on 02.11.2026 for filing counter.

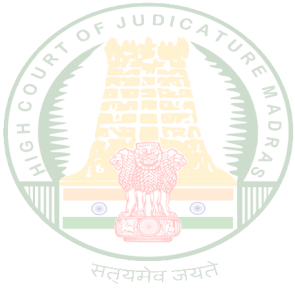
01-10-2026

dpa

To

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Law (LS) Department,
Fort St. George, Secretariat,
Chennai 600 009.

2. The Director of Legal Studies
Kilpauk, Chennai - 600 010



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WP No. 40231 of 2



Order QR

MUMMINENI SUDHEER KUMAR, J.

dpa

WP No. 40231 of 2026

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