



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2016**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.P. (MD) No.14058 of 2016
and
W.M.P. (MD) No.10435 of 2016

D.Farook : Petitioner

Vs.

- 1.The Registrar General,
High Court of Madras,
Chennai.
- 2.The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.
- 3.The Principal District Judge,
Thoothukudi District,
Thoothukudi.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the third respondent in his proceedings bearing A1.No.38/2016, dated 05.02.2016, ousting the petitioner from service and quash the same with a consequential direction, directing the respondents 1 and 2 to consider the petitioner for re-appointment in the same post or any other alternate to the post of Xerox Operator/Copy Examiner in the office of the third respondent.

For Petitioner : M/s.Porkodi Karnan,
For M/s.Polax Legal Solutions

For Respondents : Mr.G.Thalaimutharasu

**ORDER**

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner was appointed temporarily to act as Junior Assistant, Sub Court, Kovilpatti, making it clear that it was purely a stop-gap arrangement. The petitioner accepted the appointment. Subsequently, he was ousted from service, by order dated 05 February, 2016. The said order is under challenge in this Writ Petition.

2. Heard the learned counsel for the petitioner.

3. The petitioner was appointed to act as Junior Assistant on account of the transfer of the then Junior Assistant. It was a pure and simple temporary appointment. The appointment was made under Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules. The third respondent, while appointing the petitioner, made it very clear that it was a temporary appointment. The petitioner was aware of the nature of appointment.

4. The post of Junior Assistant is a post to be filled up by the Tamil Nadu Public Service Commission. The temporary appointments are made to tide over the difficulties faced by the judiciary. Such appointment would not give any right to the appointee to claim regularization. Both the employer and employee are aware that the appointment is made only for a short period. No right would accrue to the employee to claim regularization merely on account of such temporary appointment.

5. The order in question was passed as early as on 05.02.2016. The petitioner is no more in service. In any case, the petitioner, having accepted the temporary post of Junior Assistant, cannot be heard to say that he should be made permanent. We are, therefore, of the view that no interference is called for in the order passed by the third respondent.

6. In the upshot, we dismiss the Writ Petition. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



SML

To

1.The Registrar General, High Court of Madras,
Chennai.

2.The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

3.The Principal District Judge, Thoothukudi District,
Thoothukudi.

+1CC to Mr.G.Thalai Mutharasu, Advocate Sr.No.42480

+1CC to M/s.Polax legal Solutions-

M/s.Porkodi Karanan, Advocate Sr.No.42011

GJM/CK/24.8.16-3p-6c

Order made in
W.P. (MD) No.14058 of 2016
04.08.2016