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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.(MD)No.781 of 2017

in

W.P.(MD)No.16106 of 2015

K.Selvakumar

.. Appellant / Petitioner

Vs.

1. The Director of Technical Education,
Guindy, Chennai-25.
 2. The Principal & Coordinator,
CIICP, Government Polytechnic College,
Tuticorin.
 3. The Continuing Educational Manager,
CIICP, Government Polytechnic College,
Tuticorin.
- .. Respondents / Respondents

PRAYER: Writ Appeal is filed under clause 15 of Letter Patent Act, to allow the Writ Appeal and set-aside the order dated 04.09.2015 passed by the learned Judge in W.P(MD)No.16106 of 2015, on the file of this Court.

Prayer in WP(MD). 16106/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the Impugned order passed by the 2nd respondent in his proceedings in Memo No.717/B1/2015, dated 31.03.2015 and quash the same.

For Appellant : Mr.P.Banuprasath
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

J U D E M E N T

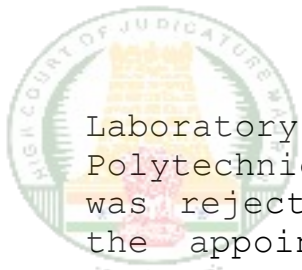
[Judgment of the Court was delivered by

K.K.SASIDHARAN, J.]

This intra-Court Appeal is directed against the order, dated 04.09.2015 in W.P.(MD)No.16106 of 2015 dismissing the Writ Petition filed by the petitioner, seeking regularisation of his service, after quashing the order passed by the Principal and Co-Ordinator, Government Polytechnic College, Tuticorin.

<https://hcservices.courts.gov.in/hcservices/>

2.The appellant made a claim that he was appointed as



Laboratory Assistant by the Principal and Co-Ordinator, Government Polytechnic College, Tuticorin. His application for regularisation was rejected by the Principal, preliminarily on the ground that the appointment was purely on daily wages and there was no assurance that the service would be regularised.

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3.While challenging the order passed by the second respondent, the appellant contended that he was appointed as Programme Officer under the National Service Scheme and as such, it cannot be said that the appointment was on daily wages.

4.The learned single Judge dismissed the writ petition with an observation that only a regular Government servant would be appointed as N.S.S. Programme Officer.

5.The learned counsel for the appellant contended that under similar circumstances, the second respondent regularised the services of another Laboratory Assistant and as such, the appellant was discriminated. According to the learned counsel, the identity card issued by the second respondent indicates that the appointment was made to a Government institution and as such, the learned single Judge was not correct in dismissing the writ petition.

6.We have also heard the learned Additional Government Pleader on behalf of the respondents.

7.There is nothing on record to show that the appellant was appointed on regular basis. The fact that while appointing him on daily wages, the second respondent issued an identity card would not give the appellant any right for regularisation. Similarly, the fact that the appellant on occasion worked in the N.S.S. Programme would not give him a right for regularisation. The appellant must prove that he was engaged by following the selection process and against a regular post. There are no documents to arrive at a conclusion that the appointment of the appellant was regular in nature and that it was made after following a fair selection method. In the absence of any such method, we do not find any error in the order passed by the second respondent. We are also of the view that the writ petition was rightly dismissed by the learned single Judge.

8.In the upshot, we dismiss the intra Court appeal. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/



To:

1. The Director of Technical Education,
Guindy, Chennai-25.
2. The Principal & Coordinator,
CIICP, Government Polytechnic College,
Tuticorin.
3. The Continuing Educational Manager,
CIICP, Government Polytechnic College,
Tuticorin.

+1 CC to M/s.P.BANU PRASATH, Advocate, SR No. 64759.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 64932

RJ2/PSD

PSM/MR-KKR/SAR1/26.07.2017/3P/6C

W.A. (MD) No. 781 of 2017
11.07.2017