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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3791 of 2019

- 1.M.Rajakumari
- 2.M.Singaravel
- 3.V.Parvathy
- 4.R.Anjalai
- 5.M.Gowri
- 6.S.Sakunthala
- 7.A.Jayavel
- 8.S.Thatchayani
- 9.S.Lakshmi
- 10.A.Punitha
- 11.V.Muthulakshmi
- 12.S.Manjula

.. Appellants/Petitioners

-vs-

- 1.The Principal Secretary of
Co-operative Department,
Secretariat, Chennai.

- 2.The Registrar of Co-operative
Society, Co-operation, No.170,
Periyar E.V.R. Highways Road,
Chennai 600 010.

- 3.The Management Director
Central Co-operative Bank
Villupuram District,
Villupuram District.

.. Respondents



Appeal filed under Clause 15 of the Letters Patent against the order dated 28.02.2019 passed in W.P.No.33289 of 2018 on the file of this Court.

WP.No.33289 of 2018:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to regularize the services of the petitioners for the post of scavenger from the date of their appointment with all monetary benefits by the consideration of representation dated 23.07.2018

For Appellants : Mr.S.Arivazhagan

For Respondents : Mr.L.P.Shanmugasundaram
Spl.G.P. (Co-op.)

JUDGMENT

(Delivered by Subramonium Prasad, J.)

The writ petitioners have filed the instant writ appeal against the judgment dated 28.02.2019 passed in W.P.No.33289 of 2018. The writ petition was one for a writ of mandamus directing the Managing Director, Central Co-operative Bank, Villupuram District, to regularise the services of the writ petitioners for the post of Scavenger from the date of their appointment with all monetary benefits.

2.The appellants/petitioners state that they were working as Scavengers in various branches of the Central Co-operative Bank, Villupuram, from the year 2009. It is stated that they have been continuously working in the said post and therefore, they are entitled to regularisation of service.

3.The learned Single Judge has rejected the contention of the appellants/writ petitioners relying on the judgment of the Hon'ble Supreme Court in State of Karnataka vs. Umadevi and Others, (2006) 4 SCC 1, wherein the Hon'ble Supreme Court, after analysing all the earlier decisions, came to the conclusion that all appointments made in violation of the recruitment rules cannot be regularised and such appointees do not have a right to claim regularisation. The judgment of the Hon'ble Supreme Court in Umadevi's case (supra) has been followed and even in the latest decision in State of Bihar and Others vs. Devendar Sharma, (Civil Appeal No.7870 of 2019 dated 17.10.2019),



reported in 2019 SCC Online SC 1360, the Hon'ble Supreme Court has held that appointments made contrary to the service rules are illegal and such candidates who are primarily backdoor entrants cannot claim regularisation.

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In view of the above, we find no reason to differ with the judgment of the learned Single Judge. The Writ Appeal is, accordingly, dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

- 1.The Principal Secretary of
Co-operative Department,
Secretariat, Chennai.
- 2.The Registrar of Co-operative
Society, Co-operation, No.170,
Periyar E.V.R. Highways Road,
Chennai 600 010.
- 3.The Management Director
Central Co-operative Bank
Villupuram District,
Villupuram District.

+1 cc to M/s.S.Arivazhagan Advocate sr98371
+1 cc to M/s.L.P.Shanmugasundaram Advocate sr98740
+1 cc to the Government Pleader sr98978

W.A.No.3791 of 2019

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