



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

WEB COPY

W.P.(MD)No.10725 of 2015

- 1.M.Chithambara Natarajan
- 2.P.Angammal Bharathi
- 3.D.Gnanaraj
- 4.P.Salomi Regina Mary
- 5.M.Velautham
- 6.P.Arumugam
- 7.Dr.B.Prabakar
- 8.C.Perachi Selvan
- 9.S.Srivasanthaprabhu
- 10.P.Rani
- 11.S.Karuppusamy

... Petitioners

-Vs-

- 1.The Vice Chancellor,
Anna University,
Sardar Patel Road,
Chennai.

- 2.The Registrar,
Anna University,
Sardar Patel Road,
Chennai.

- 3.The Dean,
Anna University,
Regional Office,
Thirunelveli Region,
Thirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to regularize the service of the petitioners w.e.f., date of initial appointment by considering the petitioners' representations dated 11.06.2014 and 24.04.2015 within the period that may be stipulated by this Court.

For Petitioners : Mr.C.Venkateshkumar
for M/s.Ajmal Associates

For R2 : Mr.M.Rajarajan

For R1 and R3 : No Appearance

ORDER

The relief sought for in the present writ petitioner is to direct the respondent to regularize the services of the writ petitioners with effect from the date of initial appointment by considering the representations submitted by the writ petitioners.

2. The present writ petition is filed against the respondents on the ground that the services of the writ petitioners ought to be regularized from the initial date of appointment. The writ petitioners are working in Anna University. The petitioners were appointed in the cadre of Technical Assistant, Clerical Assistant, Assistant Professor, Assistant Librarian, Physical Training Instructor, Office Assistant, Junior Assistant, respectively. The issue in relation to regularization of services of the employees of Anna University in retrospective effect was considered by this Court in W.P.(MD)Nos.22838 and 22839 of 2015. The judgment was delivered on 04.06.2018. The relevant paragraphs of the said judgment are reiterated herein:-

"17. The Hon'ble Supreme Court of India in the decision reported in **(2017) 4 SCC 133 in the case of State of Tamil Nadu V. A. Singamuthu** held that the right of regularization will have to be established with reference to the terms of the Government Order or scheme. It cannot exist in the abstract. The Government issued G.O.Ms.No.22 P&AR Department, dated 28.02.2006, providing for regularizing the services of certain classes of persons who had put in 10 years as on a given date. The said Government Order was subsequently superseded and G.O.Ms.No.74 P&AR Department, dated 27.06.2013 was adopted. Only if the employees can bring in their case within the frame work of such a scheme or Government Order, the High Court will be justified in issuing a direction for regularization. That is why when this Court directed the regularization of part time employees de-hors the provisions, the Hon'ble Supreme Court in the aforesaid decision reported in **(2017) 4 SCC 133**, reversed the Judgment of this Court. To the same effect is another decision of the Hon'ble Supreme Court reported in **(2014) 4 SCC 769 (State of Tamil Nadu V. R.Govindhasamy)**.

18. The challenge to the impugned Government Order has to be necessarily negated. The Government Order can be quashed only if it is shown as being contrary to the provisions of statute or that of the Constitution. In this case, neither of the grounds exist. In fact the Hon'ble Supreme Court in the decision reported in **(2017) 4 SCC 133 in the case of State of Tamil Nadu V. A. Singamuthu**, quoted, followed an earlier decision reported in **(2011) 2 SCC 429** in the case of **State of Rajasthan V. Daya Lal**, in



which it was held that the High Courts exercising the power under Article 226 of Constitution will not issue directions for regularization, absorption or permanent continuance, unless the employees claiming regularization had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process against the sanctioned posts. It was stated that the equality clause contained in Articles 14 and 16 should be scrupulously followed and the direction for regularization of service of an illegally appointed employee would be violative of the constitutional scheme.

19. This Court is of the view that if this mandate issued by the Hon'ble Apex Court is borne in mind, all these Writ petitions will have to necessarily fail. This Court finds no merits in the Writ petitions.

20. The Writ petitions stand dismissed, accordingly. No costs. Consequently, connected Miscellaneous petitions are closed."

3. In view of the said judgment passed in the similar issue, the case of the writ petitioners deserves no merit consideration and accordingly, this writ petition stands dismissed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.M.RAJARAJAN, Advocate SR-68388.

W.P. (MD) No.10725 of 2015
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CS: (05/07/2019) 4P 2C