



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

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

W.P. (MD)No.4295 of 2013

and

M.P (MD)No.2 of 2013

WEB COPY

R.Chellaiah

... Petitioner

Vs.

1.Rural Development Department of Tamilnadu,
Rep.by its Principal Secretary, Fort St.George,
Chennai - 9.

2.The Secretary,
Tamilnadu Public Service Commission, Chennai - 2.

3.The District Collector,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent vide A3/70266/2005, dated 31.01.2007 and the consequential impugned order passed by the 1st respondent vide letter No.18422/E7/2008/11, dated 07.09.2009 and quash the same and consequently, direct the respondents to regularize the service of the petitioner as Junior Assistant from the year 1996 and grant subsequent seniority benefits to the petitioner.

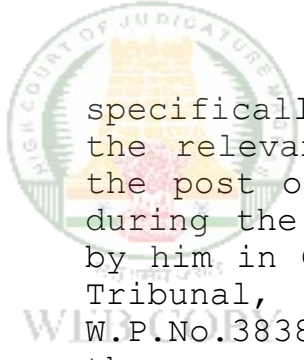
For Petitioner	:	Mr.A.Balakrishnan
For Respondents	:	Mr.V.Anand
(R1 and R3)	:	Govt.Advocate
For Respondent-2	:	Mr.K.K.Senthil

O R D E R

The order of rejection, rejecting the claim of the writ petitioner to regularize his services in the post of Junior Assistant with effect from 15.07.1991, is under challenge in the present Writ Petition.

2. The Writ Petitioner was appointed as Office Assistant on 26.07.1984 and promoted as Record Clerk on 15.07.1991. The petitioner was subsequently appointed as Junior Assistant, with effect from 04.11.2005.

3. The grievances of the Writ Petitioner is that the post of Junior Assistant was vacant from the year 1996 onwards, more
<https://hcservices.ecourts.gov.in/hcservices/>



specifically, with effect from 16.09.1996. The petitioner, during the relevant point of time was fully qualified for appointment to the post of Junior Assistant, however, his case was not considered during the relevant point of time. The Original Application filed by him in O.A.No.2472 of 1999, before the Tamil Nadu Administrative Tribunal, was transferred to the High Court and renumbered as W.P.No.38381 of 2006, which was disposed of on 13.07.2009, directing the respondents therein to consider his representation.

4.This Court is of the considered opinion that the Writ Petitioner was appointed as Junior Assistant with effect from 04.11.2005. Mere acquisition of qualification would not confer any right on the candidates to seek appointment on retrospective regularization. The Writ Petitioner admittedly was appointed as Junior Assistant and posted as Junior Assistant on 04.11.2005 and therefore, he cannot seek retrospective regularization from 15.07.1996, the date on which the post became vacant. The Writ Petitioner cannot claim any right over his appointment to the post of Junior Assistant. In fact, he was working as Junior Assistant from 04.11.2005 onwards and such services were considered and taken up for the purpose of grant of benefits. Thus, the petitioner is not entitled for retrospective regularization in the post of Junior Assistant and accordingly, the Writ Petition stands dismissed. No Costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Principal Secretary,Rural Development Department of Tamilnadu,
Fort St.George,
Chennai - 9.

2.The District Collector,
Tirunelveli District.

+1 CC to M/s.A.BALA KRISHNAN, Advocate (SR-22862[F] dated
26/11/2020)

W.P. (MD)No.4295 of 2013

24.11.2020

SV2 (CO)

AP(03/12/2020) 2P 4C