

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5432 of 2021

J.Tamilselvi ... petitioner

vs

1 The Registrar
High Court Madras
Chennai 600 104.

2 The Principal District Judge
Dharmapuri. ... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing the directing the respondents to consider and appoint the petitioner, consequent of petitioners termination in any one of the vacant posts of Office Assistant Masalgi Record Clerk Junior Bailiff Senior Bailiff and Night Watchman or any other suitable post to which the petitioners is suitable.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.C.T.Mohan

ORDER

(made by the Hon'ble Chief Justice)

The petitioner was given temporary appointment under the emergency provisions in term of Rule 10(a)(1) of the State Subordinate Service Rules. The petitioner was initially engaged on October 28, 2013 as Typist in a Court at Harur.

2. The original letter by which the petitioner was engaged clearly stated that "this appointment is made purely on temporary basis under the emergency provisions and will not confer on them (the appointee) any preferential claim for future appointment etc. and any other rights and privileges". The petitioner was also informed that she could be ousted from service "at any time without assigning any reason and as soon as the candidates were allotted for the post by the State Public

Service Commission".

3. It appears that the petitioner's services have been availed of on temporary basis on several occasions and the last termination was effected by an order of February 1, 2021.

4. The petitioner says that since the petitioner has been more or less in continuous service from or about the year 2013 and the petitioner was initially engaged upon an appropriate procedure being followed, the petitioner's candidature should be considered for several of the posts that have opened up and for which the petitioner is eligible.

5. Temporary posts are created for immediate engagements to be made for a short time so that work does not have to wait till the regular appointment is made. The petitioner was informed at the time of her initial engagement that the petitioner could not assert any rights to be absorbed or regularised. The petitioner entered into the engagement with her eyes wide open and with full knowledge that her services were liable to be terminated at short notice and without any reasons being assigned therefor.

6. In such circumstances, it does not lie in the petitioner's mouth to seek any permanent appointment. The petitioner was taken in as a temporary employee, was reminded of such fact at the time of her initial engagement and the position can not be altered several years down the line.

7. In view of the conditions set when the petitioner was temporarily engaged, the petitioner is not entitled to be considered for any other posts that may have opened up, unless the petitioner applies therefor, upon satisfying the eligibility criteria and succeeds in the process in the usual course.

8. W.P.No.5432 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.No.6024 of 2021 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

tar

To:

1 The Registrar
High Court Madras
Chennai 600 104.

2 The Principal District Judge
Dharmapuri.

+lcc to Mr.M.Gnanasekar, Advocate SR.14968

W.P.No.5432 of 2021

SV(CO)
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