



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) Nos. 7236 and 7239 of 2021

and

WMP.Nos.5526, 5528, 5531 and 5532 of 2021

A Daisy ... Petitioner in WP(MD)No.7236 of 2021
A. Muthu ... Petitioner in WP(MD)No.7239 of 2021

Vs.

1. The Commissioner
Department of Social Defense
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010
2. The Joint Director,
Department of Social Defense,
No.300, Purasawalkam High Road,
Kellys, Chennai - 600 010
3. The District Collector,
District Child Protection Society,
District Collectorate Campus,
Sivagangai District.
4. The District Child Protection Officer,
District Child Protection Unit,
3/1-1, Periyar Nagar, 1st Street,
Sivaganga District ... Respondents 1 to 4 in W.P.(MD)
Nos. 7236 and 7239 of 2021
5. Dhanasekara Pandian
Joint Director,
Department of Social Defense
No. 300, Purasawalkam High Road,
Kellys,
Chennai - 600 010 ...Respondent 5 in W.P.(MD) No7239 of 2021

PRAYER in W.P. (MD) No. 7236 of 2021 : Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 3rd and 4th respondents to extend the petitioner's service as Counsellor in the District Child Protection Unit, Sivagangai District for the year 2021-2022 by executing a Contractual Service Agreement with the 3rd respondent District Collector on par with other similarly placed persons in the Unit.

PRAYER in W.P. (MD) No. 7239 of 2021: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 3rd and 4th respondents to extend the petitioner's service as Protection Officer (Non-institutional care) in the District Child Protection Unit, Sivagangai District for the year



2021-2022 by executing a Contractual Service Agreement with the 3rd respondent District Collector on par with other similarly placed persons in the Unit.

For Petitioners : Ms. Abisha Isaac for Issac Chambers
For Respondents : Mr. Veerakathiravan,
Senior Counsel
Assisted by Mr. A.K. Manikkam
Standing Counsel for respondents

O R D E R

The writ petitioners were appointed as Counsellor and Protection Officer (Non-institutional care) in the District Child Protection Unit in the District of Sivagangai on contractual basis by executing a Contractual Service Agreement dated 24.12.2014 with the third respondent. Thereafter, again the petitioners' contracts were renewed for a further period by a Contractual Service Agreement and this contract period was renewed every year by the third respondent and they performed their duties without any blemish or break. While that being so, the fourth respondent without giving any reason relieved the petitioners from service and their contract period has also not been extended. Hence, they filed the present Writ Petitions before this Court.

2. A common counter affidavit has been filed by the third respondent wherein, he has stated that the aforesaid appointments were made only on the contract basis. Therefore, writ petitioners cannot seek for a legal right to renew their contract period. On legally, there are catena of decisions on ratio decidendi held by the Hon'ble Supreme Court as well as this Court stating that when a person has been engaged on a contract basis, he cannot as a matter of right seek renewal from the department and there are some allegation made against the petitioners in the counter affidavit filed by the respondent.

3. According to the learned counsel for the petitioners that due to such allegation made in the counter, it may be a in the future appointment of the petitioners. Hence, the petitioners are seeking for opportunity to place their explanation before the authority.

4. At this stage, third respondent has filed an additional counter wherein he has stated that the said allegations are related to their professional conduct and not in the nature of any stigma against the petitioners.

5. Without going into the allegations made in the counter affidavit and as the third respondent has clarified in the additional counter that it is not in the nature of stigmatism, the allegation made in the counter affidavit will not be an embargo for the petitioners in being considered for any future appointment in



any other department.

6. With the above observations, the Writ Petitions stand dismissed. No order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Commissioner
Department of Social Defense
No.300, Purasawalkam High Road,
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Sivaganga District
5. Dhanasekara Pandian
Joint Director,
Department of Social Defense
No. 300, Purasawalkam High Road,
Kellys, Chennai - 600 010

+2 CC to M/s.ISAAC CHAMBERS, Advocate (SR-25682[F] dated 09/08/2021)

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and

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PK(CO)

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