



W.A.No.2161 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM

The Hon'ble Mr. Justice PARESH UPADHYAY
and
The Hon'ble Mr. Justice D.BHARATHA CHAKRAVARTHY

W.A.No.2161 of 2022

1.The Secretary to Government
Home Department,
Fort St.George,
Chennai - 600 009.

2.The Additional Director General of Prisons/
Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

.. Appellants

vs

S.Jubithabi

.. Respondent

Appeal filed under Clause 15 of Letters Patent against the order
dated 11.04.2019 made in W.P.No.42 of 2015.

For Appellants : Mr.P.Kumaresan,
Additional Advocate General
assisted by
Mrs.S.Mythreye Chandru
Special Government Pleader

For Respondent : Mr.K.S.Govinda Prasad



WEB COPY



W.A.No.2161 of 2022

JUDGMENT

(Delivered by PARESH UPADHYAY.,J)

1. Challenge in this appeal is made to the order dated 11.04.2019 recorded on W.P.No.42 of 2015. This appeal is by the State Authorities - respondents in writ petition.

2. Learned Additional Advocate General has attempted to made serious grievance with regard to the sustainability of the impugned order on the ground of the present respondent / writ petitioner being over aged, however at the outset, it needs to be noted that, the State has already issued G.O. implementing order of learned Single Judge qua the writ petitioner (the present respondent) inter-alia recording therein that, the writ petitioner is similarly situated to various other persons. On being asked, learned Additional Advocate General is not in a position to point out what is the material distinction qua the present respondent. Of course, an attempt was made to point out that, the age of the respondent at the time of entering the service is the factor which would dis-entitle her from being regularized. We find that, the case on hand is not of appointment but regularization of service and therefore according to



W.A.No.2161 of 2022

us, the ground attempted to be pressed into service would not take the case of the State Authorities any further.

3. For the reasons recorded above, this appeal is dismissed.

No costs. C.M.P.No.16102 of 2022 would not survive.

(P.U., J) (D.B.C., J)
13.10.2022

Index:No
ssm/26



WEB COPY



W.A.No.2161 of 2022

PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.

ssm

W.A.No.2161 of 2022

13.10.2022