



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

W.P.[MD].No.1614 of 2022

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S.Sathish Kumar

...Petitioner

Vs.

1.The Director of Collegiate Education,
DPI Campus,
Chennai-6.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-600 034.

3.The Secretary,
Sri Devi Kumari Women's College,
Kuzhithurai and the Joint Commissioner/Executive Officer,
Incorporated and Unicorporated Devsam,
Susindram,
Kanniyakumari District.

4.Sri Devi Kumari Women's College,
Rep.by its Principal,
Kuzhithurai,
Kanniyakumari District.

5.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the third respondent vide RC.No.129/2021(3) dated 15.06.2021 and quash the same as illegal and consequently for a direction directing the third respondent to absorb the petitioner in the post of Watchman in the fourth respondent College in the regular time scale of pay with effect from 21.01.2009 and with all consequential benefits by considering his representation dated 06.07.2021, within the time frame stipulated by this Court.

For Petitioner
For Respondent

: Mr.G.Anto Prince
: Mr.J.Ashok
Additional Government Pleader



O R D E R

This Writ Petition has been filed as against the order of the third respondent passed in R.C.No.129/2021(3) on 15.06.2021.

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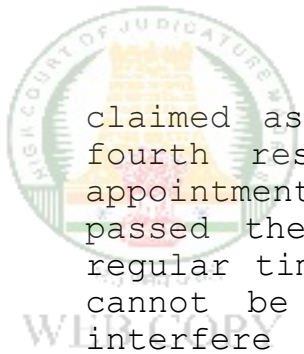
2. By impugned order, the third respondent has rejected the request of the petitioner to absorb him in the post of Watchman in the fourth respondent College in regular time scale of pay with effect from 21.01.2009.

3. The learned counsel for the petitioner submits that the petitioner was appointed as Watchman in the fourth respondent College with effect from 21.01.2009 under the Self-Finance Scheme and he has been working as Watchman sincerely for the past 13 years, with unblemished record. At the time of appointment, the fourth respondent College has given oral assurance to the petitioner to appoint him as Watchman in the regular post, as and when the vacancy arises. Hence, the petitioner has made several representations to the authorities, but the same has not been considered. Therefore, the petitioner has filed a writ petition before this Court in W.P (MD).No.22636 of 2020, however, the same was rejected on 01.08.2019. Thereafter, he filed another writ petition in W.P(MD).No.3433 of 2021 to absorb him in the post of Watchman and the same was disposed by this Court on 23.02.2021 with a direction to the respondents to consider the representation of the petitioner. However, the third respondent has passed the impugned order in a mechanical manner, without providing opportunity to the petitioner.

4. Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents submits that this is the third round of litigation with the very same relief and the petitioner has filed two writ petitions before this Court in W.P(MD).Nos.22636 of 2020 and 3433 of 2021, and the same was disposed by this Court on 01.08.2019 and 23.02.2021 with a direction to the respondents to consider the representation of the petitioner. By considering the representation of the petitioner, the impugned order has been passed by the third respondent and there is no interference required with the impugned order. The petitioner is not having any legal right to regularise his services.

5. This Court paid its anxious consideration to the rival submissions made.

6. It appears that the petitioner was appointed as Watchman under the Self-Finance Scheme in the fourth respondent College and he has sought regularisation of his services in W.P(MD).Nos.22636 of 2020 and 3433 of 2021 before this Court. This Court, while disposing the writ petition in W.P(MD).No.22636 of 2020, has observed that the appointments are to be made strictly in accordance with the rules in force and the appointment can never be



claimed as a matter of right, and a direction was given to the fourth respondent College to conduct a selection afresh for appointment to the post of Watchman. Since this Court has already passed the order, subsequent representations for placing him in regular time scale of pay without conducting any selection process, cannot be sustained. Therefore, this Court is not inclined to interfere with the orders of the third respondent. However, the petitioner is at liberty to participate in the selection process to the post of Watchman, as and when the third respondent is inclined to fill up the same in accordance with law.

7. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ssb

To

1.The Director of Collegiate Education,
DPI Campus,
Chennai-6.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-600 034.

3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-2949[F] dated 28/01/2022)

+1 CC to M/s.SPL.GP (SR-3104[F] dated 31/01/2022)

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28.01.2022

MGJ(23.03.2022) 3P 6C