



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13468 of 2019

W.M.P (MD) .No.10010 of 2019

S.Mariyammal

... Petitioner

-vs-

1. The Principal Secretary to
Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai.
2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
D.P.I Campus,
College Road,
Chennai-600 006.
3. The Director,
Department of School Education,
Chennai.
4. The Chief Educational Officer,
Trichy.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, direct the respondents regularize the service of the petitioner as Computer Instructor Grade-I, Government Higher Secondary School, Valadi, Lalguid-Taluk, Trichy District by extending the benefit of G.O. (MS).No.151, Social Welfare and Nutritious Meal Programme Department dated 16.10.2008 and also restraining them from making fresh recruitment to the above said post in pursuance of the notification issued by the second respondent in Notification No.09/2019 dated 01.03.2019.



For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.G.V.Vairom Santhosh
Additional Government Pleader
for RR1, 3 and 4

O R D E R

The relief sought for in the present writ petition is to direct the respondents to regularize the service of the petitioner as Computer Instructor Grade-I in Government Higher Secondary School, Valadi, Lalguid-Taluk, Trichy District by extending the benefit of G.O.(MS).No.151, Social Welfare and Nutritious Meal Programme Department dated 16.10.2008 and also restrain the respondents from making fresh recruitment to the above said post in pursuance of the notification issued by the second respondent in Notification No.09/2019 dated 01.03.2019.

2. The petitioner was engaged as Computer Instructor Grade-I on temporary basis and she is continuing in such capacity. Mere temporary service would not confer any right for regularisation of service. Regularisation or permanent absorption cannot be granted in violation of the Rules. Regularisation is to be granted strictly in accordance with the Rules in-force and the principles in this regard are settled by the Constitutional Bench of the Hon'ble Supreme Court of India in the case of **State of Karnataka Vs. Umadevi** reported in **2006 [4] SCC 1**.

3. The learned counsel appearing for the petitioner made a submission that the petitioner is continuing as temporary Computer Instructor Grade-I.

4. This Court is of the considered opinion that the if at all she is continuing, it is for the Authorities to consider the same and the Court cannot issue a direction for grant of regularisation or permanent absorption in violation of the Rules. Even the High Court under Article 226 of the Constitution of India cannot direct the Authorities to regularise the services of an employee which is to be done strictly in accordance with the Rules.



5. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar(CS I)

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1. The Principal Secretary to
Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai.
2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
D.P.I Campus, College Road,
Chennai-600 006.
3. The Director,
Department of School Education,
Chennai.
4. The Chief Educational Officer,
Trichy.

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-21034[F] dated 25/04/2022)

W.P.(MD) No.13468 of 2019
W.M.P(MD).No.10010 of 2019
22.04.2022

SP/06/05/2022/3P/6C