



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14422 of 2019

1. Latha
2. Dharamaraja
3. Selvaraj
4. P.Sumathi

... Petitioners

-vs-

1. The Government of Tamil Nadu,
Rep., by its Secretary,
Department of Higher Education,
Fort St. George, Secretariat, Chennai-600 009.

2. The Director of Collegiate Education,
Directorate of Collegiate Education,
9th Floor, EVK Sambath Maligai,
College Road, Chennai-600006.

3. The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai-625 021,
Madurai District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to regularization of service of the petitioners by considering the petitioners' representation dated 10.04.2019.

For Petitioners	:	Mr.R.Alagarsamy
For RR1 & 2	:	Mr.G.V.Vairam Santhosh
		Additional Government Pleader
For R3	:	Mr.K.Ragatheesh Kumar

O R D E R

The relief sought for in the present writ petition is to direct the respondents to regularise the services of the petitioners by considering their representation dated 10.04.2019.

2. Mere representation by an employee cannot be a ground to grant the benefit of regularisation and permanent absorption. Such benefits are to be granted strictly in accordance with the rules in



force. Appointments are to be made by following the procedures and in accordance with the rules. Equal opportunity in public employment is the constitutional mandate.

3. All appointments are to be made in accordance with the constitutional scheme and by providing opportunity to all the eligible candidates, who all are longing to secure appointment through open competitive process. Therefore, the temporary employees who were appointed in violation of the recruitment rules are not entitle to claim regularisation and permanent absorption. The principles in this regard are settled by the Hon'ble Constitution Bench of the Supreme Court in the case of **Secretary, State of Karnataka vs. Umadevi [(2006) 4 SCC 1]**. Even in the subsequent judgment, the Hon'ble Supreme Court has reiterated that the irregular appointees cannot claim the benefit of regularisation and permanent absorption in violation of the service rules. Persons who have entered into service through backdoors cannot be provided with the benefit of regularisation and permanent absorption.

4. Admittedly, in the present case, the petitioners were appointed as non-teaching staffs on temporary basis. Therefore, they have to participate in the process of selection, if any notification is issued and if they are regularly selected, then alone they can seek such benefits, but not otherwise.

5. With the above observations, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1. The Secretary to Government,
The State of Tamil Nadu,
Department of Higher Education,
Fort St. George, Secretariat, Chennai-600 009.

2. The Director of Collegiate Education,
Directorate of Collegiate Education,
9th Floor, EVK Sambath Maligai,
College Road, Chennai-600006.



3. The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai-625 021,
Madurai District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-18820[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18859[F] dated 13/04/2022)

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