



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.6447 of 2019

and

WMP(MD)Nos.5153 & 5154 of 2019

S.Fathima

... Petitioner

Vs.

1.The Secretary to Government,
Public Health and Family Welfare Department,
Secretariat,
Chennai.

2.The Director of Public Health and Preventive Medicine,
Tenampet,
Chennai 600 006.

3.The Deputy Director of Health Service,
Karur - 639 007. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of 2nd respondent made in Na.ka.No.8557/Tha.Uoo/Iru3/2017 dated 17.10.2017 and quash the same and consequently direct the respondents to regularize the service of the petitioner as Computer Assistant.

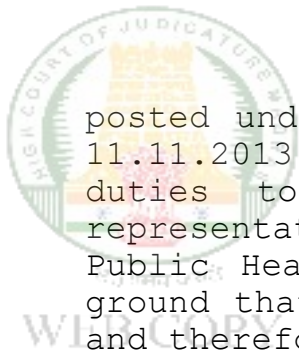
For Petitioner :Mr.K.Govindarajan

For R1 To R3 :Mr.M.Ramesh
Government Advocate

O R D E R

The order impugned, dated 17.10.2017, rejecting the claim of the writ petitioner for grant of regularization is under challenge in the present writ petition.

2. The petitioner states that she has completed Degree in Computer Science and Diploma in Automation and typewriting in Tamil and English. The petitioner was appointed as Computer Assistant and



posted under the control of the 3rd respondent in proceedings dated 11.11.2013. The petitioner states that she was discharging her duties to the satisfaction of the superiors. She made a representation to regularize her services. However, the Director, Public Health and Preventive Medicine, rejected the claim on the ground that the Computer Assistants are appointed on contract basis and therefore, their services cannot be regularized.

3. The order of appointment dated 11.11.2013 appointing the petitioner as computer assistant on contract basis reveals that the appointment itself is contractual and the consolidated pay of Rs.7000/- has been paid. Such contract appointments are made to complete certain urgent projects in the Government Departments and therefore, the appointees cannot claim any permanency. The terms and conditions stipulated in the appointment order categorically reveals that the appointment and postings are purely temporary and on contract basis. The appointment is liable for termination at any time without notice and without assigning any reason therefor. It is made clear that the petitioner shall not claim any right as a full time member of service, since it is purely contract basis.

4. When the terms and conditions of the contract agreed by the petitioner indicates that she is not entitled to claim any permanent appointment then no reason whatsoever to entertain the application filed by the petitioner for grant of regularization. Once the person accepted the offer of appointment on certain terms and conditions, which are all contractual, then such appointee cannot turn around and submit an application for regularization and such an application is not entertainable. Therefore, the order impugned is in consonance with the established principles and there is no infirmity as such. Thus, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

1.The Secretary to Government,
Public Health and Family Welfare Department,
Secretariat,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of Public Health and Preventive Medicine,
Tenampet,
Chennai 600 006.

3.The Deputy Director of Health Service,
Karur - 639 007.

+1 CC to M/s.SPL GP (SR-5924[F] dated 14/02/2022)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-6330[F] dated
15/02/2022)

W.P. (MD)No.6447 of 2019
11.02.2022

RD(25.02.2022) 3P 6C