



Writ Appeal No.1475 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 01.08.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Appeal No.1475 of 2017

A.Gowry

... Appellant

Vs

1. The State of Tamil Nadu rep. By
Department of Arts and Culture,
Secretariat, Chennai – 9.
2. The Commissioner of Arts and Culture,
Directorate Arts and Culture,
Tamil Valarchi Valagam, 2nd Floor,
Egmore, Chennai – 8.
3. The Administrative Officer,
Tamil Nadu Jawahar Siruvar Mandram
Government Music College Campus,
Greenways Road, Chennai – 28.
4. The District Collector,
Chennai.
5. The Executive Officer,
Jawahar Siruvar Mandram,
Mylapore, Chennai - 600 004.

.. Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the final order dated 01.08.2017 made in W.P.No.6532 of 2017.

For Appellant : Mrs.R.Madhumitha
for Mr.M.Ravi

For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by K.KUMARESH BABU,J.)

This intra-court appeal had been preferred by the unsuccessful writ petitioner, who had filed a writ petition seeking to quash the order of the respondent dated 31.03.2015, wherein the appellant was relieved from temporary service and she had also sought for a direction to direct the respondent to regularize the service of the appellant from 15.05.2008.

2. Heard Mrs.R.Madhumitha, learned counsel appearing for the appellant and Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the respondents.

3. Mrs.R.Madhumitha, learned counsel appearing for the appellant submits that the appellant was appointed as part-time sweeper by the



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third respondent on 06.07.2000 on a monthly payment of Rs.240/-.

Thereafter, along with part time sweeper, she was also appointed as Evalar on a monthly payment of Rs.900/- with effect from 18.10.2007, which was also a temporary post.

4. While that being so, the second respondent herein by order dated 31.03.2015 had ousted the petitioner from service alleging that the aforesaid post is sought to be outsourced. She would also submit that it is a regular work in the aforesaid school, therefore she could be regularized.

5. The learned Special Government Pleader appearing on behalf of the respondents would submit that the classes conducted under the said scheme is not a regular course, therefore, the course itself is a part time course for the benefit of the students and that it is also being conducted only in the places available viz., such as corporation schools and other places and as such courses are not full time course in the school to have regular the employees. He would also submit that there are already existing sweepers in the said place, where such courses are being conducted. Therefore, the claim made by the appellant cannot be entertained.



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6. The learned single Judge, who dealt with the writ petition following the judgment in the case of ***Secretary to Government, School Education Department, Chennai vs. R.Govindasamy and Ors.*** reported in ***(2014) 4 SCC 769***, had held that the appellant cannot be allowed to back door entry in the matter of appointment.

7. We have considered the rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

8. The appellant had been appointed only on temporary basis at Jawahar Siruvar Mandram at Mylapore. It is also not in dispute that the said course being conducted only as a part time course and for conducting such course, no permanent building has been provided and it is being conducted either in a existing Corporation school or in other schools. As has been rightly submitted by the learned Special Government Pleader the appellant could not be accommodated as there is already a sweeper working in the particular school. However, the impugned order would disclose that the work attached with the post was



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sought to be outsourced. When such a policy decision is taken through the order dated 31.03.2015, this Court cannot entertain this writ appeal.

We find no reasons to interfere the order passed by the learned single Judge, hence it fails and accordingly, this writ appeal stands dismissed. No costs.

(R.S.K.,J.)

(K.B., J.)

01.08.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

mp

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