



WEB COPY

W.A.No.824 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.No. 824 of 2024

T. Arumugam

...Appellant

Vs.

1. The State Rep. By
Principal Secretary to Government,
School Education Department,
Secretariat, Chennai 600 009.
2. The Director,
Directorate of Elementary Education,
DPI Campus,
Nungambakkam, Chennai 600 018.
3. The District Collector,
Thiruvannamalai District.
4. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
5. The District Elementary Educational Officer,
Cheyyar,
Thiruvannamalai District.



WEB COPY

6. The Block Educational Officer,
Thellar Block,
Vandavasi Taluk,
Thiruvannamalai District.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 11.12.2023 passed in WP No.25359 of 2023.

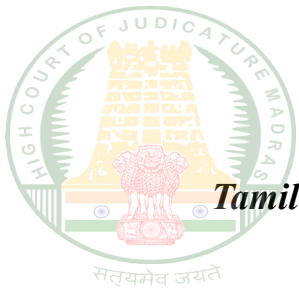
For Appellant : Mr.P. Murali,

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

J U D G M E N T

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The claim of the petitioner for regularization was rejected by the Writ Court on the ground that the petitioner was not appointed through the Employment Exchange and as such there is an infraction of the law laid down by the Hon'ble Supreme Court in ***State of Karnataka Vs. Umadevi and others reported in 2006 (4) SCC 1***, case. The issue relating to regularization is *no longer res integra*. A Full Bench of this Court, to which one of us (R.Subramanian, J.) was a party, in ***M.Sivappa v. The State of***



WEB COPY

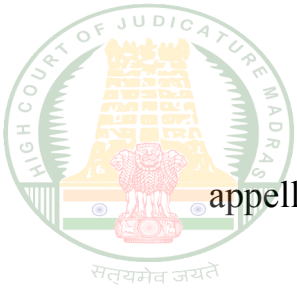
W.A.No.824 of 2



Tamil Nadu, reported in **2024 (2) CTC 1**, has concluded as follows:

*“39. We conclude that the judgments in **State of Tamil Nadu. by its Secretary, Public Works Department. and another vs. S. John Charles and others, and State of Tamil Nadu rep by its Secretary to Government, Rural Development and Panchayat Raj Department and others vs K.Rajakrishnan,** cannot be taken as laying down an inflexible rule of law that any part-time or temporary employee who has completed 10 years of service on 28.02.2006 will not be entitled to regularisation. The benefit of regularisation will depend on the nature of the job and the fact that whether the post falls within any one of the 86 categories mentioned in the Special Rules for Tamil Nadu Basic Service.”*

2. It is not in dispute that the appellant was appointed to a post which forms part of the 86 posts enumerated in the Special Rules for Tamil Nadu Basic Service. Once the petitioner is appointed to a post governed by the Tamil Nadu Basic Service, as per the judgment of the Full Bench, the



appellant would be entitled to a regularization.

WEB COPY

3. The learned Government Pleader would, however, draw our attention to the judgment of Division Bench of this Court, to which one of us (G.Arul Murugan, J.) was a party, in *State of Tamil Nadu vs. P. Lakshmi*, made in WA No.3562 of 2019 dated 17.12.2024, where the Division Bench held that if the appointment is made by the Parent-Teachers Association the employee would not be entitled to the benefits.

4. That is not the case here, the appellant has been appointed in a post which is sanctioned and the appointment is due to the death of the incumbent. It is not in dispute that the appellant has been working as a sweeper ever since the date of his appointment. Hence the appellant would be entitled to the benefits of regularization.

5. The Writ Appeal is therefore allowed, the order of the learned Single Judge is set aside, the Authorities will regularize the services of the appellant with effect from the date on which he is completed 10 years of



service i.e. from 28.11.2007. The appellant would be entitled to all attendant benefits accruing out of the regularization with effect from the date on which his services are directed to be regularized from 2007, which shall be computed and paid within a period of 12 weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
20.02.2025

jv

Index : No

Neutral Citation : No

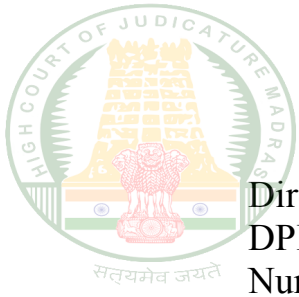
Speaking order

Note : Issue Order Copy on 25.02.2025

To

1. The Principal Secretary to Government,
Government of Tamil Nadu
School Education Department,
Secretariat, Chennai 600 009.

2. The Director,
5/7



Directorate of Elementary Education,
DPI Campus,
Nungambakkam, Chennai 600 018.

WEB COPY

3. The District Collector,
Thiruvannamalai District.
4. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
5. The District Elementary Educational Officer,
Cheyyar,
Thiruvannamalai District.
6. The Block Educational Officer,
Thellar Block,
Vandavasi Taluk,
Thiruvannamalai District.



WEB COPY

W.A.No.824 of 2



R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

jv

W.A.No. 824 of 2024

20.02.2025

1/2