



W.P.No.40046 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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- 1 M.Sivakumar
 - 2 T.Govindan
 - 3 C.Rangaraju
 - 4 T.Ellappan
 - 5 R.Chandran
 - 6 N.Mari
 - 7 V.Kasthuri
 - 8 A.Ponnuvelu
 - 9 R.Jayabalan
 - 10 K.Elumalai
 - 11 R.Govindasamy
 - 12 K.Vellachi
 - 13 V.Kuppusamy
 - 14 R.Rajamani
 - 15 P.Kalaiselvi
- ... Petitioners



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Vs

- 1 The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.
- 2 The Director of School Education,
D.P.I. Campus,
College Road,
Nungambakkam,
Chennai-600 006.
- 3 The District Collector-cum-Chairman,
Continuing Education Scheme,
Salem District,
Salem.
- 4 The Chief Educational Officer,
Salem District,
Salem.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the order of the 1st respondent, dated 18.04.2016, in Letter No.31056/ Ni.Va.3(2)/2015-3, and quash the same only in so far as it relates to the petitioners and consequently direct the respondents to absorb the petitioners in any one of the lower grade posts in the Departments of the Government of Tamil Nadu, by taking into account of the length of services rendered by the petitioners in the Non-formal Education Scheme of the



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Government of Tamil Nadu.

For Petitioners : Mr.K.Selvaraj

For Respondents : Ms.Akila Rajendran,
Govt. Advocate.

ORDER

All the petitioners herein have been engaged by the respondents on part-time basis under the Non-formal Education Scheme introduced by the Government, providing for non-formal and adult education, and they were continued in service as such for a long period i.e., more than two decades. They made a request for consideration of their case for absorption on permanent basis in the post of Lab Assistant. As their case was not considered by the respondents, they approached this Court on an earlier occasion by filing W.P.No.No.20949 of 2015 and the said writ petition was disposed of by this Court by an order, dated 14.07.2015, directing the respondents to consider the representations submitted by the petitioners for giving them preference in appointment to the lower grade posts, such as Laboratory Assistant, Office Assistant etc., in future, by taking into account the long service rendered by them for more than 20 years. Accordingly, the said representations were considered by the respondents and the impugned order, dated 18.04.2016, came to be passed by the first respondent, rejecting the



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claim of the petitioners, on the ground that there were no sanctioned posts either for absorption of the services of the petitioners or for appointing them on regular basis. Aggrieved by the same, the petitioners have approached this Court, by filing the present Writ Petition.

2. Admittedly, all the petitioners herein were engaged on part-time basis under a scheme formulated by the respondents for non-formal education. There were no sanctioned posts for accommodating the petitioners. Mere appointment and continuance of the petitioners on part-time basis, without following due process of law, do not confer any right on the petitioners. No doubt, the petitioners were continued on part-time/temporary basis for more than two decades. But, in the absence of any scheme for providing absorption or regularisation of their services on permanent basis, especially in the absence of any sanctioned posts, the question of granting permanent status to the petitioners or appointing them in lower grade posts in the departments of Tamil Nadu does not arise. If any such accommodation is provided for the petitioners giving them preference for appointment in lower grade posts, the same would be in violation of Articles 14 and 16 of the Constitution of India.

3. In such circumstances, this Court is not inclined to interfere with the impugned proceedings of the first respondent, dated 18.04.2016.



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WEB COPY Accordingly, this Writ Petition stands dismissed. However, it is made clear that if there is any scheme introduced by the respondents, providing for regularisation or absorption of the services of the persons, who were employed on part-time or temporary basis, the case of the petitioners shall not be refused to be considered, merely on the ground of dismissal of this Writ Petition, and the petitioners are at liberty to submit proper representation before appropriate authority, claiming the benefit of such scheme. No costs. Consequently, the connected W.M.P.No.34095 of 2016 is closed.

19.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1 The State of Tamil Nadu,

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MUMMINENI SUDHEER KUMAR, J.

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