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W.P No.23736 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.23736 of 2025

and

Writ Miscellaneous Petition No.26701 of 2025

A.Saravanan

... Petitioner

..Vs..

1.The Director of Collegiate Education
IASE, Campus,
No.577, Anna Salai,
Saidapet, Chennai – 15.

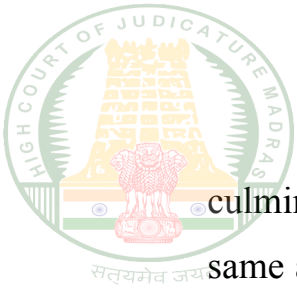
2.The Joint Director Collegiate Education,
Thanjavur.

3.The District Collector Cum Chairman
Rajah's Aided College Thiruvaiyaru,
Thanjavur District.

4.The Tahsildar Cum Secretary,
Rajah's Aided College,
Thiruvaiyaru, Thanjavur District.

5.The Principal Rajah's Aided College,
Thiruvaiyaru, Thanjavur District.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent, particularly the impugned order passed in



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culminating Se.Mu.Na.Ka.No.31679/F3/2024, dated 10.12.2024 and quash the same and consequently, direct the respondents 1 to 5 to regularize the services of the petitioner as Junior Assistant in Rajah's Aided College, Thanjavur and bring him under time scale of pay from the date of appointment i.e., 01.08.2006 to till date with all service benefits, monetary benefits, back wages including pensionary benefits.

For Petitioner : Mr.N.Sampath

For Respondents : Mr.C.Jayaprakash
Government Advocate

ORDER

The present writ petition has been filed with a prayer to quash the impugned proceeding in Se.Mu.Na.Ka.No.31679/F3/2024, dated 10.12.2024 issued by the 1st respondent.

2. The learned counsel appearing on behalf of the petitioner would invite the attention of this Court about the letter dated 21.07.2023 by the Joint Director, Collegiate of Education wherein in column No.6, there is a reference that whether the request was accepted or rejected? It was answered as accepted. Based upon that, the learned counsel would further submit that subsequent letter dated 31.08.2023 cannot be a basis when the 1st respondent



himself has accepted the regularization request.

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3. Per contra, the learned Government Advocate appearing on behalf of the respondents would strongly object the contention of the learned counsel for the petitioner and would submit that by virtue of the letter dated 31.08.2023, who is the appropriate authority has categorically referred that the petitioner was employed only in the Self Financing Scheme and never employed in the Aided Scheme. Apart from that, the employment, which the petitioner sought is a public employment and that cannot be given without any basis or contrary to the Service Rules.

4. I have given my anxious consideration on either side submissions.

5. It is settled principles of law that any public employment should be filled up, only in accordance with Service Rules.

6. In this connection, the letter dated 31.08.2023 had categorically stated that they are seeking approval from the 1st respondent to fill up one vacant post by issuing Paper Publication and by following the Service Rules of the



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7. However, the learned counsel for the petitioner by simply referring about the 1st respondent's information dated 21.07.2023, would contend that the 1st respondent has accepted the petitioner's regularization which, this Court is not able to accept in view of subsequent letter dated 31.08.2023. It is relevant to record that by virtue of Judgment of the Hon'ble Supreme Court in the case of *The Secretary, State of Karnataka and Others vs. Umadevi and Others* reported in *2006 (4) SCC 1* and in the case of *Secretary to Government, School Education Department, Chennai vs. Thiru R.Govindaswamy and Others* reported in *2014 (4) SCC 769*, recruitment by backdoor entries is to be curtailed, and must be ensured that appointments should only by adhering to the Constitutional principles and Service rules.

8. In such view of the position, this Court does not find any infirmity in the Rejection Order of the petitioner passed by the 1st respondent on 10.12.2024.



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9. In the result, the writ petition is dismissed. However, the petitioner is given liberty to participate in the examination, while the respondent College notify for recruitment of the post. No costs. Consequently, the connected miscellaneous petition stands closed.

01.07.2025

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

To:

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C. KUMARAPPAN, J.



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