



W.P. No.33688 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.09.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P. No.33688 of 2025

and

W.M.P. No.37802 of 2025

D. Gobinath

.... Petitioner

VS.

1. Commissioner of Social Defence
Secretary of State Child Protection Society,
300, Purasawalkam High Road,
Kellys,
Chennai – 600 010.

2. The District Collector,
O/o. The District Collector,
Perambalur District.

3. The District Child Protection Officer,
No.106 F/7, Ground Floor,
Subha Valaagam,
Annai Nagar,
District Collector Office Road,
Perambalur District – 621 212.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification of the 2nd respondent bearing the nomenclature, 'Pathirikkai Seithi', dated 23.08.2025 calling for new recruitments for the post of



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Legal cum Probation Officer in the District Child Protection Unit, Perambalur District and quash the same and consequently direct the respondents to continue with the petitioners in the said post.

For Petitioner : Mr.PR. Vineeth
For Respondents : Mr.R. U. Dinesh Raj Kumar
Addl. Government Pleader for R1 to R3

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.R.U. Dinesh Raj Kumar, learned Additional Government Pleader accepts notice for the respondents.

3. It is stated that the petitioner worked as Legal cum Probation Officer in the District Child Protection Unit, Perambalur District from 2018 onwards. It is further stated that during the month of January, 2024, he sustained leg injury and after prior intimation to the 3rd respondent, he took leave on medical grounds. Thereafter on 11.08.2025, he submitted his representation for joining duty again. It is his grievance that despite submitting his representation, without affording an opportunity of hearing, a public Notification dated 23.08.2025 was issued by the 2nd respondent inviting applications for filling up



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the aforesaid post. Challenging the said Notification dated 23.08.2025, the

present writ petition has been filed.

4. Learned counsel for the petitioner would submit that neither any show cause notice nor any termination order was issued by the respondents, prior to publication of Notification dated 23.08.2025, which is impugned herein. Further, he argued that the petitioner's past services were not taken into account by the respondents and they failed to provide an opportunity of hearing to the petitioner, which is a gross violation of principles of natural justice. Thus, the impugned Notification dated 23.08.2025 issued by the 2nd respondent is arbitrary and illegal and on that score, he prays for quashment of the said Notification. In view of the above, he prays to allow this writ petition.

5. Per contra, learned Additional Government Pleader appearing for the respondents would submit that the petitioner's appointment is purely on contractual basis. After expiry of the contract period, the petitioner's engagement has come to an end. He also submitted that during the contractual tenure, the petitioner had taken long leave i.e., out of 365 days, he worked only for 148 days. Further, he submitted that considering the vacancy that too crucial



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post, the said Notification was issued by the 2nd respondent and therefore, the same is legally sustainable. Hence, the writ petition deserves no merit and prays for dismissal of the same.

6. Heard the learned counsel on both sides and perused the materials placed on record.

7. From the arguments, it is clear that the petitioner had availed leave frequently, though it is stated by the petitioner that the said leave was on medical grounds. On a perusal of records, it reveals that the petitioner's appointment was purely on contractual basis and upon expiry of the contractual period i.e., on 19.08.2025, the petitioner's engagement came to an end. Though it is the stand of the respondents that the leave availed by the petitioner was not taken into account for the purpose of non-renewal of the services of the petitioner, it is to be borne in mind that the post held by the petitioner is a crucial post, where the presence of the said Officer is required always. Further, being a contractual employee, he cannot claim any right over the said post and seek for continuation or regularisation in the said post. Accordingly, the Notification dated 23.08.2025 issued by the 2nd respondent is a valid one and



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there is no merit in the writ petition.

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8. For the aforesaid reasons, this writ petition stands dismissed. However, liberty is granted to the petitioner to apply and compete in the fresh recruitment process, subject to fulfillment of the eligibility conditions. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2025

(1/2)

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

vsi2

To

1. The Commissioner of Social Defence
Secretary of State Child Protection Society,
300, Purasawalkam High Road,
Kellys,
Chennai – 600 010.

2. The District Collector,
O/o. The District Collector,
Perambalur District.

A.D. JAGADISH CHANDIRA, J.



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