



W.P.(MD).Nos.7134 to 7148, 11691 and 12009 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD).Nos.7134 to 7148, 11691 and 12009 of 2025
and
W.M.P.(MD).Nos.5373 to 5378, 5380 to 5391, 5398, 5400,
5402 to 5404, 5406, 5409, 5413, 5416, 5417, 5424, 5425,
8637, 8638, 8840 and 8842 of 2025**

W.P.(MD).No.7134 of 2025

E.Jailatha @ Sivagami

... Petitioner

Vs.

**1.The Principal Secretary to Government,
Home (Courts) Department,
Fort Saint George,
Chennai - 600 009.**

**2.The Registrar General,
High Court of Judicature at Madras,
High Court Campus,
Chennai - 600 104.**

**3.The Hon'ble Principal District Judge,
Tirunelveli District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to
issue a writ of Certiorarified Mandamus, calling for the records which



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culminated in the order dated 29.11.2024 bearing ROC No.20375/2023/C3 passed by the 2nd respondent and all actions taken pursuant thereto and quash the same and consequently pass an order directing the respondents to regularize the services of the petitioner employed in the post of Typist with the 3rd respondent along with backwages payable to them or appoint the petitioner in any other suitable post including in any other department which is not required to be filled up through the TNPSC.

For Petitioner : Mr.R.Shankar Ganesh
for Mr.A.Sakthivel

For R-1 : Mr.J.Ashok
Additional Government Pleader
(In all cases)

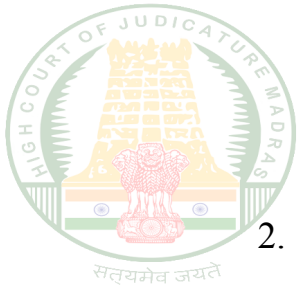
For R-2 & R-3 : Mr.N.Tamil Mani
Standing Counsel
(in W.P(MD).Nos.11691, 7134 to 7148 of 2025)

For R-2 & R-3 : Mr.M.Mahaboob Aathiff
(in W.P.(MD).No.12009 of 2025)

COMMON ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

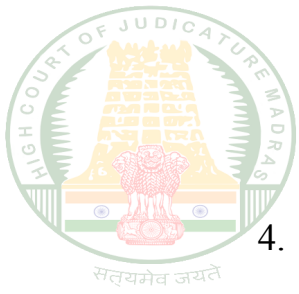
The Writ Petitions have been instituted challenging the order passed by the Registrar General of Madras High Court, declining to grant permanent absorption in the sanctioned posts in District Judiciary.



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2. Admittedly, the petitioners were appointed temporarily as Junior Assistants/Typists/Steno-typists and posted in various Courts in District Judiciary. The order of appointment itself reveals that it is a temporary appointment and the appointment will be cancelled without any further notice. Their appointment under Rule 16(a)(i) of Tamil Nadu Judicial Ministerial Service Rules to the post borne on the cadre of service shall not be regarded as a probationer or shall not be entitled by reason only of such appointment to any preferential claim in future appointment. It is further informed that the services of the petitioners in the post shall be liable to be terminated by the appointing authority at any time without notice and without any reason being assigned.

3. Accepting the terms and conditions of temporary appointment, the petitioners have joined and served for some time. After their continuance in temporary service, they have submitted an application seeking regularization/permanent absorption in the sanctioned post in the time scale of pay. The Registrar General rejected the claim based on the judgment of the Division Bench of this Court. The Division Bench has followed the judgment of the Constitution Bench of the Hon'ble Supreme Court of India.



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4. Admittedly, the initial appointment of the petitioners as temporary employees was not in accordance with the Recruitment Rules in force. Since the initial temporary appointment was not made in accordance with the Recruitment Rules in force, the appointment remains temporary and therefore, they cannot seek any permanent absorption or regularization in violation of the Service Rules applicable for permanent absorption.

5. As far as the judicial administration is concerned, the three Judges Bench of the Hon'ble Supreme Court of India settled the legal principles in the case of ***Renu and others Vs. District and Sessions Judge, Tis Hazari Courts, Delhi and another*** reported in (2014) 14 SCC 50. Directives are issued to all the Courts across the country by the Apex Court. Paragraphs 34 and 35 of the judgment would be relevant in this context and the same reads as under:

"34. We would like to make it clear that the High Court is a constitutional and an autonomous authority subordinate to none. Therefore, nobody can undermine the constitutional authority of the High Court, and therefore the purpose to hear this case is only to advise the High Court that if its rules are not in consonance with the philosophy of our Constitution then the same may be modified and no appointment in contravention thereof should be made. It is necessary that there is strict compliance with appropriate



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rules and the employer is bound to adhere to the norms of Articles 14 and 16 of the Constitution before making any recruitment.

35. In view of the above, the appeal stands disposed of with the following directions:

35.1. (i) All the High Courts are requested to re-examine the statutory rules dealing with the appointment of staff in the High Court as well as in the subordinate courts and in case any of the rule is not in conformity and consonance with the provisions of Articles 14 and 16 of the Constitution, the same may be modified.

35.2. (ii) To fill up any vacancy for any post either in the High Court or in courts subordinate to the High Court, in strict compliance with the statutory rules so made. In case any appointment is made in contravention of the statutory rules, the appointment would be void ab initio irrespective of any class of the post or the person occupying it.

35.3. (iii) The post shall be filled up by issuing the advertisement in at least two newspapers and one of which must be in vernacular language having wide circulation in the respective State. In addition thereto, the names may be requisitioned from the local employment exchange and the vacancies may be advertised by other modes also e.g. Employment News, etc. Any vacancy filled up without advertising as prescribed hereinabove, shall be void ab initio and would remain unenforceable and unexecutable



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except such appointments which are permissible to be filled up without advertisement e.g. appointment on compassionate grounds as per the rules applicable. Before any appointment is made, the eligibility as well as suitability of all the candidates should be screened/tested while adhering to the reservation policy adopted by the State, etc. if any.

35.4. (iv) Each High Court may examine and decide within six months from today as to whether it is desirable to have centralised selection of candidates for the courts subordinate to the respective High Court and if it finds it desirable, may formulate the rules to carry out that purpose either for the State or on zonal or divisional basis.

35.5. (v) The High Court concerned or the subordinate court as the case may be, shall undertake the exercise of recruitment on a regular basis at least once a year for existing vacancies or vacancies that are likely to occur within the said period, so that the vacancies are filled up timely, and thereby avoiding any inconvenience or shortage of staff as it will also control the menace of ad hocism."

6. The legal principles for public appointments are also elaborately settled by the Constitution Bench of the Hon'ble Supreme Court of India. Thus, regularization and permanent absorption are to be granted scrupulously in



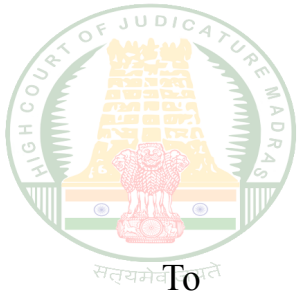
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accordance with the Service Rules in force. Any misplaced sympathy in the matter of grant of permanent absorption and regularization will only lead to miscarriage of justice and would infringe the rights of the eligible candidates, who are all aspiring to secure public employment through open competitive process. Thus, the petitioners are not entitled for the relief of regularization/permanent absorption. However, the petitioners, if otherwise eligible under the Rules, are at liberty to participate in the selection process, if any notified by the respondents.

7. With the above observations, these Writ Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (A.D.M.C.,J.)
17.06.2025

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