



W.P.(MD)Nos.6655 & 6693 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)Nos.6655 & 6693 of 2023

and

W.M.P.(MD)Nos.6286, 6287, 6325 & 6326 of 2023

S.Ravirajan : Petitioner in W.P.(MD)No.6655/23
R.Arsingh : Petitioner in W.P.(MD)No.6693/23

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Higher Education Department,
Fort St. George, Chennai – 600 009.
- 2.The Executive Engineer,
Technical Education Division No.1,
No.82, Kayathemilleth Street,
Trichy – 20.
(Now at Government College of
Engineering Campus, Tirunelveli – 7).
- 3.The Assistant Executive Engineer,
(Electrical) Technical Education Sub Division,
Government College of Engineering Campus,
Tirunelveli – 7.



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4.The Assistant Engineer (Electrical),
Technical Education Section,
Government College of Engineering Campus,
Tirunelveli – 7. : Respondents in W.P.(MD)No.6655/23

1.The State of Tamil Nadu,
Rep. by its Secretary,
Higher Education Department,
Fort St. George,
Chennai – 600 009.

2.The Executive Engineer,
Technical Education Division No.1,
No.82, Kayathemilleth Street,
Trichy – 20.
(Now at Government College of
Engineering Campus, Tirunelveli – 7).

3.The Assistant Executive Engineer,
(Civil) Technical Education Sub Division,
Government College of Engineering Campus,
Tirunelveli – 7.

4.The Assistant Engineer (Civil),
Technical Education Section,
Government College of Engineering Campus,
Tirunelveli – 7. : Respondents in W.P.(MD)No.6693/23



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COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue Writs of Certiorarified Mandamus, to call for the records in Letter (D) No.286 dated 24.08.2018 passed by the first respondent rejecting the petitioners' claim for regularizing their services and quash the same as illegal and consequently direct the respondents herein to bring them into regular establishment / time scale of pay with all consequential benefits both service and monetary without any delay.

For Petitioner : Mr.D.Srinivasa Raghavan
for Mr.M.Maran

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
[In both Writ Petitions]

ORDER

These Writ Petitions have been filed seeking identical reliefs under the impugned orders which are the subject matter of these Writ Petitions. The request for regularization has been rejected on the ground that the respective petitioners are not eligible to be regularized. Further, being a policy decision, the policy of the respondents not to regularise the petitioners and other identically placed persons cannot be questioned.



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2.The respective petitioners have been working in the respondent department for more than 10 years. They claim regularization based on their continuous service. The same has been rejected under the impugned orders. Learned Counsel for the petitioners drew the attention of this Court to the following authorities in support of the respective petitioners' contention that the respondents have erroneously, arbitrarily and illegally rejected the request of the respective petitioners seeking for regularization under the impugned orders:

a) A decision of the Hon'ble Supreme Court in the case of ***Jaggo Vs. Union of India & others*** reported in ***2024 INSC 1034***;

b) A decision of the Hon'ble Supreme Court in the case of ***Dharam Singh & others Vs. State of U.P.& another*** reported in ***2025 INSC 998***;

c) A decision of the Hon'ble Supreme Court in the case of ***Shripal & another Vs. Nagar Nigam, Ghaziabad*** reported in ***2025 INSC 144***.



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3. Relying upon the aforesaid decision, learned Counsel for the petitioners would submit that **Uma Devi's** case rendered by the Hon'ble Supreme Court does not apply to the case of the petitioners as the respective petitioners have been continuously working in the respondent department. Learned Counsel for the petitioners would submit that as seen from the decision rendered by the Hon'ble Supreme Court in **Jaggo's** case referred to supra, it is clear that the Hon'ble Supreme Court has deprecated the practice of not regularising the employees who have put in considerable length of service without any break of service. Learned Counsel for the petitioners also drew the attention of this Court to the impugned orders rejecting the request of the respective petitioners for regularising and would submit that they are non-speaking orders with regard to the contention of the respective petitioners.

4. A counter affidavit has been filed by the respondents. Learned Special Government Pleader appearing for the official respondents would lay emphasis on paragraph No.6 of the counter affidavit and would submit that since the respective petitioners were engaged only on daily wage basis for a particular period, the respective petitioners cannot seek for regularization. According to him, **Uma Devi's** case rendered by the Hon'ble Supreme Court



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squarely applies to the case of the respective petitioners and therefore, their request for regularization has been rightly rejected under the impugned orders.

5. In the recent decision rendered by the Hon'ble Supreme Court in **Jaggo's** case, the Hon'ble Supreme Court has deprecated the practice of engaging employees on temporary basis without making them permanent for a long period of time. The Hon'ble Supreme Court has held that the courts must look beyond the surface labels and consider the realities of employment: continuous, long-term service, indispensable duties and absence of any mala fide or illegalities in their appointment. The Hon'ble Supreme Court in the very same decision, has also made it clear that while considering the request for regularization, the employer has to consider the nature of the work done by the employee and whether the nature of the work is integral to the core function of the employer.

6. Learned Counsel for the petitioners contents that the post occupied by the respective petitioners on temporary basis is a sanctioned post and it involves the core functioning of the respondent department and therefore, the respective petitioners ought to have been regularised by the respondents.



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7. On the other hand, learned Special Government Pleader appearing for the respondents would submit that the subject posts occupied by the respective petitioners is only on temporary basis and on daily wage basis and it is not a sanctioned post and further it is also not the core function of the respondent department. Hence, the decision relied upon by the learned Counsel for the petitioners has no applicability to the facts of the case.

8. Learned Special Government Pleader appearing for the respondents also relies upon the decision rendered by the Hon'ble Supreme Court in the case of ***Raj Balam Prasad and others Vs. State of Bihar and others*** reported in ***(2018) 12 SCC 50*** and would submit that as seen from the said decision, it is clear that when the appointment is a tenure based appointment, the question of granting regularisation does not arise.

9. There are several debatable issues involved in these Writ Petitions. Since the respective petitioners have been working for a long number of years in the respondent department which is also not disputed by the respondents, though the respondents contend that the respective petitioners have only been employed on daily wage basis and since the learned Counsel for the petitioners has also



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placed reliance on various decisions of the Hon'ble Supreme Court, through which he claims that the respective petitioners will have to be regularised into service and the learned Counsel for the petitioners also contains that the posts held by the petitioners on temporary basis are sanctioned posts which has been disputed by the respondents, this Court in the interest of justice, deems it fit to quash the impugned orders and remand the matters back to the very same respondent for fresh consideration, in view of the fact that the contentions of the petitioners as raised in these Writ Petitions have not been considered in the impugned order, rejecting the request of the respective petitioners for regularisation.

10.For the foregoing reasons, the impugned orders dated 24.08.2018 passed by the first respondent are hereby quashed and the matters are remanded back to the first respondent for fresh consideration, on merits and in accordance with law, within a time frame to be fixed by this Court. The petitioners are directed to submit a detailed explanation to the first respondent, explaining as to how their request for regularisation has to be accepted by the first respondent within a period of two [2] weeks from the date of receipt of a copy of the order. On receipt of the said explanation within a stipulated time, the first respondent shall pass final orders, on merits and in accordance with law, within twelve [12] weeks, thereafter,



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after giving due consideration to the explanations submitted by the respective petitioners.

11.With the aforesaid direction, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.10.2025

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



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To

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Higher Education Department,
Fort St. George, Chennai – 600 009.

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ABDUL QUDDHOSE., J.

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