



W.P.(MD)No.17335 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.17335 of 2022

and

W.M.P.(MD)No.12648 of 2022

1.V.Kumar

2.P.Muneeskumar

: Petitioners

Vs.

1.The Director of School Education,
DPI Complex, College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Madurai District,
Madurai.

3.The District Educational Officer,
Usilampatti Educational District,
Madurai.

4.The Deputy Superintendent of Police,
Special Investigation Cell-II,
Vigilance and Anti Corruption,
Chennai – 16.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Oo.Mu.No.426/A1/2022 dated 16.03.2022 on the file of the third respondent and quash the same as illegal and consequently direct the respondents to consider the appointment of the petitioners as Watchmen or any other posts in future vacancies in the light of observation made judgment passed in W.A.(MD)No.1586 of 2016 dated 05.03.2018, within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 16.03.2022 passed by the third respondent, rejecting the petitioners' request for being re-appointed as Watchmen or any other posts in future vacancies in the light of the observation made by the Division Bench of this Court in its order dated 05.03.2018 passed in W.A.(MD)No.1586 of 2016.



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2.Admittedly, the petitioners who were working as Watchmen were removed from service in the year 2015 on account of suppression of material facts and the same was also challenged by the petitioners by filing Writ Petition before this Court. The said Writ Petition also came to be dismissed. The appointment orders issued in favour of the petitioners were challenged by a third party by filing a Writ Petition before this Court in W.P.(MD)No.14108 of 2013. The said Writ Petition came to be allowed on 24.09.2014 and the petitioners' appointments were ordered to be cancelled. The petitioners' appointments were also cancelled on 30.04.2015. Aggrieved by the order of the learned Single Judge, the petitioners herein whose appointments were cancelled filed a Writ Appeal before the Division Bench of this Court in W.A.(MD)No.1586 of 2016. The Division Bench by its order dated 05.03.2018, upheld the order of the learned Single Judge and the petitioners' removal from service attained finality.

3.However, in this Writ Petition, the petitioner relies upon the observation made by the Division Bench in the aforesaid order while dismissing the Writ Appeal, wherein the Division Bench has observed that the petitioners who have stated to have worked for two



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years in Usilampatti Educational District, Madurai, as sweeper / Watchmen, in future, if there is any appointment being made and if the outcome of the enquiry report / enquiry by the vigilance and anti-corruption does not indict the petitioners in any manner, it is open to the petitioners to approach the authorities for being considered for appointment. The petitioners also claim that in the vigilance enquiry report, their names does not find place and therefore, they claim that they are entitled for re-appointment. The petitioners have therefore, given a representation to the respondents on 22.01.2022, seeking for re-appointment and the same has been rejected under the impugned order on the ground that only through the employment exchange and by proper recruitment, in accordance with law, the petitioners' cases can be considered.

4. Admittedly, the Writ Appeal filed by the petitioners in W.A.(MD)No.1586 of 2016, aggrieved by the orders passed by the learned Single Judge cancelling their appointments was dismissed by the Division Bench on 05.03.2018. The Division Bench has upheld the order of the learned Single Judge who had ordered for cancellation of the petitioners' appointment as Watchmen on account of suppression of material facts and the petitioners' appointments were also cancelled in compliance with the directions issued by this Court



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in W.P.(MD)No.14108 of 2013 dated 24.09.2014. The appointment orders were cancelled by proceedings dated 30.04.2015.

5. In the Division Bench order which the petitioner relies upon, there was no positive direction given by the Division Bench to the respondents therein to re-appoint the petitioners herein subsequent to their exoneration in the vigilance enquiry. The Division Bench had only observed that if the petitioners are found to be exonerated in the vigilance enquiry, their case for re-appointment may be considered by the respondents. Under the impugned order the petitioner's request for being reappointed as Watchmen has been rightly rejected by giving a reason that only through employment exchange and after issuance of proper notification, the petitioner's case will be considered. It is only through the proper recruitment process, any person can be appointed to a public post. Therefore, the reason given by the respondents for rejecting the petitioners' request does not suffer from any infirmity. In the result, there is no merit in this Writ Petition.



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6.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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



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To

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ABDUL QUDDHOSE., J.

MR

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