



W.A.(MD)No.1152 of 2019 & 1443 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.1152 of 2019

and

W.A.(MD)No.1443 of 2021

W.A.(MD)No.1152 of 2019:-

N.Kandasamy

... Appellant

Vs.

1.The Secretary to Government of Tamil Nadu,
Education Department, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
D.P.I. Campus, College Road,
Chennai - 6.

3.The District Educational Officer,
Sivagangai, Sivagangai District.

4.M.Venkatachalam

5.I.Subramanian

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.8792 of 2015 dated 15.07.2019 on the file of this Court.

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For Appellant : Mr.S.Govindan

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For Respondents : Mr.C.Venkateshkumar,
Spl. Government Pleader for R1 to R3.
Mr.Mohammed Athiff for R4 & R5.

W.A.(MD)No.1443 of 2021:-

1.M.Venkatachalam

2.I.Subramanian

... Appellants

Vs.

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Education Department, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
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4.N.Kandasamy

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.8792 of 2015 dated 15.07.2019 on the file of this Court.

For Appellants : Mr.Mohammed Athiff

For Respondents : Mr.C.Venkateshkumar,
Spl. Government Pleader for R1 to R3.
Mr.S.Govindan for R4



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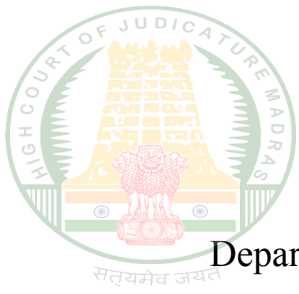
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COMMON JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellants herein were appointed as part-time Sweepers cum Waterman in the year 1994. No doubt, they were sponsored by the jurisdictional employment exchange. They were subsequently regularized vide proceedings dated 09.02.2009 with effect from 06.12.2006. The appellants subsequently sought regularization from the date of their initial appointment. Since it was not considered, they even filed writ petitions before this Court. Pursuant to the direction given by this Court, their representations were considered and rejected. Challenging the same, writ petition was filed. The learned Single Judge dismissed the writ petition. Aggrieved by the same, these writ appeals have been filed.

3.The learned counsel for the appellants contended that the policy of the government was to appoint candidates on regular basis if they have the requisite qualification and if vacancy were available. Our attention was drawn to G.O.(Ms)No.528 Personnel and Administrative Reforms



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Department dated 10.10.1998. Paragraph No.3 of the said government order reads as follows:-

“3.After careful consideration the Government accept the decision of the Tamil Nadu Civil Services Joint Council and direct that the persons appointed on daily wages to discharge the functions of the posts in the Tamil Nadu Basic Service through Employment Exchange initially, be appointed against the regular vacancies that may arise in these posts on time scale of pay under the same appointing authority as direct recruits without their names being sponsored by the Employment Exchange once again, provided they were fully qualified for wages that is with reference to Age and Educational Qualifications etc.”

4.The stand of the appellants is that during the relevant time, regular vacancies were available and therefore, the authority erred in appointing them on part-time basis. When regularization was subsequently done, it should date back to their initial appointment.

5.Per contra, the learned Special Government Pleader submitted that the learned Single Judge rightly declined to grant relief and interference with the said order is not warranted.



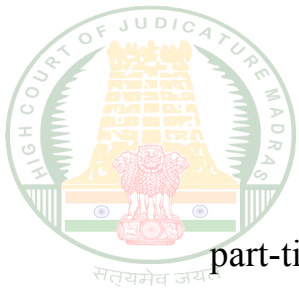
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6. We carefully considered the rival contentions and went through the materials on record. At the very outset, we note that the appellants were paid salary out of the miscellaneous funds (சில்லரை செலவினம்). Their appointment order also reads that it is on part-time basis. Following direction given by the Writ Court, their services came to be regularised on full-time basis with effect from 06.12.2006. The appellants were also appointed as regular watchman.

7. It is relevant to note that the proceedings issued by the District Educational Officer, Sivagangai was never put to challenge by the appellants. Therefore, the legal consequences flowing therefrom cannot be overcome by submitting a representation and inviting an order and subsequently mounting a challenge to those rejection orders.

8. We may not fully agree with all the reasons assigned by the learned Single Judge. This is because the appellants' entry was not through the back door. But then we cannot close our eyes to the fact that their appointment orders clearly read that they were appointed only on



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part-time basis and it does not appear that there were appointed on any sanctioned post or vacancy during the relevant time.

9.However, considering the long period of service put in by them, the department chose to absorb them as full-time employees. Having failed to challenge the orders whereby their services were regularized, it is not open to the appellants to seek now regularization from the date when they were originally employed as part-time employees.

10.We do not find any merits in these writ appeals and they are dismissed. No costs.

(G.R.S. J.,) & (K.R.S. J.,)
18.08.2025

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