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W.P.(MD) No.26465 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.26465 of 2019

and

W.M.P.(MD) No.22885 of 2019

Rajadurai

... Petitioner

-VS-

- 1.The State of Tamil Nadu
rep.by its Secretary
Department of Health and
Family Welfare Department
Fort St.George, Chennai-9
- 2.The Director
Family Welfare Department
Chennai-6
- 3.The Director
Public Health and Preventive Medicine
Chepauk, Chennai
- 4.The Deputy Director of
Medical Health and Rural Health Service
and Family Welfare
Nagercoil, Kanyakumari District

... Respondents



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PRAYER: 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 rejection order in Na.Ka.No.81/Ku.Na/A2/2016, dated 14.10.2019 passed by the 4th respondent so far as petitioner is concerned and quash the same and consequently directing the respondents to appoint the petitioner for the post of driver at Medical Department.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 14.10.2019, passed by the fourth respondent, rejecting the petitioner's request for regularization of his service as a Driver, on the ground that there is no vacancy for the said post and the same has not been filled up from 2018 onwards and further, preference cannot be given for out-sourced employees.



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2. The petitioner, who was working as a Driver and was appointed through an outsourcing agency in the respondent – Department, seeks to regularize his service in the respondent – Department. He was appointed through an outsourcing agency on 19.08.2005 and he claims to have been sponsored by the Employment Exchange.

3. As seen from the affidavit filed in support of this writ petition, the petitioner has not completed ten years of continuous service in the respondent – Department. The request of the petitioner for regularization of his service in the post of Driver has also been rejected on the ground that outsourced employees cannot be given preference and the post of Driver has not been filled up ever since 2008 by the respondent – Department. The respondents have rightly rejected the petitioner's request under the impugned order dated 14.10.2019 as the petitioner's case does not entitle him to get regularization of his service as per the decision of the Honourable Supreme Court in the case of ***State of Karnataka and others vs. Umadevi and others***, reported in **2006 (4) SCC 1**.



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4. Learned counsel for the petitioner also relied upon a Judgment of the Honourable Supreme Court in the case of **Jaggo vs. Union of India and others**, in SLP(C) No.5580 of 2024, dated 20.12.2024.

5. In the aforesaid decision, the petitioners therein had worked for more than ten years and they were performing core functions of the Government Department for a very long period of time and only in recognition of the long and continuous service and the nature of their work, which were equivalent to the work done by the regular employees, the Honourable Supreme Court quashed the termination orders issued against them and reinstated them into service.

6. Being an outsourced employee and having not worked for more than ten years, **Umadevi's** case squarely applies to the case of the petitioner herein, since the petitioner herein does not have any vested right to obtain regularization of his service as prayed for by him in this writ petition. This Court does not find any infirmity in the impugned order passed by the fourth respondent.



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7. Accordingly, there is no merit in this writ petition and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2025

(1/2)

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

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To:

- 1.The Secretary,
Department of Health and
Family Welfare Department,
Fort St.George, Chennai-9.
- 2.The Director,
Family Welfare Department,
Chennai-6.
- 3.The Director,
Public Health and Preventive Medicine,
Chepauk, Chennai.
- 4.The Deputy Director of
Medical Health and Rural Health Service
and Family Welfare,
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ABDUL QUDDHOSE, J.

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