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W.P.No.17149 to 17152 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WP Nos. 17149 to 17152 of 2015
and M.P.Nos.1, 1, 1 and 1 of 2015**

A.Ezhilarasi

..Petitioner in
W.P.No.17149 of 2026

A.Prabakar

..Petitioner in
W.P.No.17150 of 2026

P.Gnanambal

..Petitioner in
W.P.No.17151 of 2026

G.Prema

..Petitioner in
W.P.No.17152 of 2026

Vs

1. Government of Tamilnadu
Repd. by Secretary to Government, Health and
Family Welfare Department, Secretariat,
Chennai-600 009.
2. The Director of Public Health
and Preventive Medicine, Chennai-600 006.
3. The Deputy Director of Health
Services & Family Welfare, Cuddalore.
(Member Secretary District Health Society,
Cuddalore).

..Respondents
in all W.Ps.

Writ Petitions are filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, to call for the records on the file of the



2nd respondent in and by proceedings R.No. No.14899/Imm/S3/2015 dated 20.05.2015, quash the same and direct the respondents to regularly absorb and regularise the services of the petitioners as Computer Assistants from the date of their initial appointment from 01.06.2007, 20.06.2007, 20.07.2007 and 16.05.2007 respectively as such or in any suitable post in the Department, Commensurate with their educational qualification and to grant their all consequential benefits.

In all W.Ps

For Petitioner(s): Mr.S.Madhu Balaaji for
Mr.M.Ravi

For Respondent(s): Mr.E.Sundaram,
Government Advocate

COMMON ORDER

These Writ Petitions have been filed seeking to quash the proceedings in R.No. No.14899/Imm/S3/2015 dated 20.05.2015, on the file of the second respondent and consequently, direct the respondents to regularly absorb and regularise the services of the petitioners as Computer Assistants from the date of their initial appointments, namely 01.06.2007, 20.06.2007, 20.07.2007 and 16.05.2007 respectively or in any other suitable post in the Department commensurate with their educational qualification and to grant all consequential service and monetary benefits.

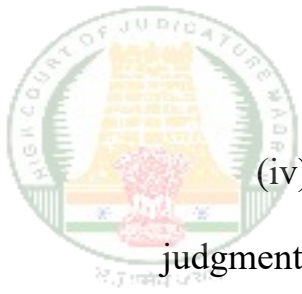


2. The submissions of the learned counsel for the petitioners are as follows:

(i) The petitioners possess the requisite educational qualifications and had also registered their names with the District Employment Exchange, Cuddalore. Based on their qualifications, they were duly selected and appointed as Computer Assistants on contractual basis in the office of the Deputy Director of Health Services, Cuddalore, through Employment Exchange after interview.

(ii) The petitioners have been continuously discharging their duties without any break from the date of appointment and possess the prescribed qualifications for the post. Despite rendering long and uninterrupted service, the requests of the petitioners for regularisation of their service were rejected by the second respondent by order dated 20.05.2015, without proper consideration.

(iii) Similarly placed Computer Assistants working under the National Rural Health Mission Scheme have been granted regularisation and time scale of pay, whereas the petitioners and other employees working under the RCH Immunization Programme have been denied the same benefit. Such action on the part of the respondents is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India. Therefore, the learned counsel prayed that the impugned orders be set aside and appropriate directions be issued to regularise the services of the petitioners.



(iv) In support of the above contention, reliance was placed upon the judgment of the Hon'ble Supreme Court in *Sheo Narain Nagar and others vs. The State of Uttar Pradesh and others* in Civil Appeal No.18510 of 2017, wherein, it was held that employees who have rendered continuous service for several years cannot be denied appropriate relief. The relevant portion of the said judgment is extracted hereunder:

“7.Learned counsel appearing on behalf of the respondent has relied upon paragraph 44 of the decision in Uma Devi (Supra), so as to contend that it was not the case of irregular appointment but of illegal appointment; there was no post available on which the services of the appellants could have been regularized and appointment were in contravention of the reservation policy also; thus, termination order was rightly issued and, in no case, the appellants were entitled for regularization of their services.

10.The High Court dismissed the writ application relying on the decision in Uma Devi(supra). But the appellants were employed basically in the year 1993; they had rendered service for three years, when they were offered the service on contract basis; it was not the case of back door entry; and there were no Rules in place for offering such kind of appointment. Thus, the appointment could not be said to be illegal and in contravention of Rules, as there were no such Rules available at the relevant point of time, when their temporary status was conferred w.e.f.2.10.2002. The appellants were required to be appointed



on regular basis as a one-time measure, as laid down in paragraph 53 of Uma Devi(supra). Since the appellants had completed 10 years of service and temporary status had been given by the respondents with retrospective effect in the 02.10.2002, we direct that the services of the appellants be regularized from the said date i.e., 02.10.2002, consequential benefits and the arrears of pay also to be paid to the appellants within a period of three months from today.”

(v) He also relied upon the judgment of the Hon’ble Supreme Court in *Vinod Kumar and others Vs. Union of India and others* in SLP(C) Nos.22241-42 of 2016, wherein, the Hon’ble Supreme Court directed the authorities to consider the issue of regularisation and complete the process within a stipulated period. The relevant portion of the said judgment is extracted hereunder:

“5.Having heard the arguments of both the sides, this Court believes that the essence of employment and the rights thereof cannot be merely determined by the initial terms of appointment when the actual course of employment has evolved significantly over time. The continuous service of the appellants in the capacities of regular employees, performing duties indistinguishable from those in permanent posts, and their selection through a process that mirrors that of regular recruitment, constitute a substantive departure from the temporary and scheme-specific nature of their initial engagement. Moreover, the appellants’ promotion process was conducted and overseen by a Departmental promotional Committee and their sustained service for more than 25 years



without any indication of the temporary nature of their roles being reaffirmed or the duration of such temporary engagement being specified, merits a reconsideration of their employment status.

8. In the light of the reasons recorded above, this Court finds merits in the appellants' arguments and hold that their service conditions, as evolved over time, warrant a reclassification from temporary to regular status. The failure to recognize the substantive nature of their roles and their continuous service akin to permanent employees runs counter to the principles of equity, fairness, and the intent behind employment regulations."

(vi) Further reliance was placed on the proceedings of the Director of Public Health and Preventive Medicine, Chennai, dated 06.03.2020, wherein the service of certain employees, such as drivers working in the department were regularised. Therefore, the same benefit ought to be extended to the petitioners as well.

3. The submissions of the learned Government Advocate appearing for the respondents is as follows:

(i) The petitioners were appointed as Computer Assistants purely on contractual basis by the third respondent under the National Rural Health Mission Scheme. The appointments were made subject to the terms and



conditions issued by the second respondent, which clearly stipulated that the appointments were temporary and contractual in nature. He further submitted that the petitioners had been expressly informed through the appointment orders that the service could be terminated at any time without notice and without assigning any reason, and that the appointment would not confer any preferential claim for regular appointment in future. The petitioners were also entitled only to ten days of casual leave and not to any other form of leave such as earned leave or compensatory leave and any unauthorised absence would entail termination.

(ii)The petitioners were appointed under the funds received from the National Rural Health Mission Scheme on consolidated pay of Rs.7,000/- per month and therefore, the post itself was purely temporary and scheme based. As per the Government guidelines, the petitioners do not have any preferential right for permanent absorption either in the District Health Society or in Government Service.

(iii)The petitioners had earlier sought regularisation of service, which was already rejected by the competent authority on the ground that the Computer Assistants were appointed only on the contractual basis under the said scheme and therefore regularisation was not feasible.



(iv) Since the petitioners had accepted the appointment knowing fully well the contractual nature of the post, they cannot now claim regular appointment or continuation in service. Therefore, the writ petitions are not maintainable either on facts or in law.

(v) Reliance was also placed on the judgment of the Madurai Bench of this Court dated 11.02.2022, in W.P.(MD).No.6447 of 2019, wherein, it was held that when an employee accepts an appointment subject to contractual terms and conditions, such employee cannot subsequently claim regularisation or permanent absorption.

4. At this juncture, the learned counsel for the petitioner submitted that this Court, by an order dated 19.06.2024, in W.P.No.4179 of 2015, had directed the Government to consider the petitioner's representation dated 06.11.2013 within a period of 8 weeks.

5. This Court has carefully considered the submissions made on either side and perused the materials placed on record.

6. It is not in dispute that the petitioners were appointed as Computer Assistants on purely contract basis under the National Rural Health Mission Scheme. The appointment orders clearly stipulate that the posts are temporary



and scheme based and that the appointment would not confer any right for regular appointment or permanent appointment. It is also evident that the petitioners had accepted the appointment with full knowledge of the terms and conditions governing the appointment. Once the petitioners have accepted the contractual appointment, subject to such conditions, they cannot subsequently seek regularisation of their services as a matter of right. Further, the request made by the petitioners for regularisation had already been considered and rejected by the competent authority, as the appointments were made under a scheme on contractual basis. The reliance placed by the petitioners on the judgments cited, is not applicable to the facts of the present case, as the petitioners were appointed under a specific scheme with specific contractual conditions. Therefore, this Court finds no merits in the writ petitions.

7. In the light of the above discussion, the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

02-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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W.P.No.17149 to 17152 of 2



N.SENTHILKUMAR, J.

VKR

To

- 1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
- 2.The Director of Public Health
and Preventive Medicine, Chennai-600 006.
- 3.The Deputy Director of Health
Services & Family Welfare, Cuddalore.

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