2026:MHC:4344

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

Case QR

CORAM

THE HON'BLE Mr.JUSTICE C.KUMARAPPAN

WP Nos.27070 of 2024, 23311 of 2023 & 32020 of 2023

CNR:{HCMA011681712024}

AND

WMP Nos.29587 of 2024, 22847 of 2023, 22852 of 2023, 22854 of 2023, 22856 of 2023, 31623 of 2023 & 31625 of 2023

S.R.Balakrishnan
S/o.Ramaraj, 14B, Kannapiran Street,
Poolambadi, VTC. Poolambadi,
Perambalur District.

..Petitioner(s)

Vs

1. State Of Tamil Nadu Rep By
   The Principal Secretary To The Government,
   Rural Development And Panchayat Raj (E5)
   Department, Fort St. George, Chennai- 9.
2. State Of Tamil Nadu Rep By Its
   Additional Chief Secretary To Government,
   Finance Department, Fort St. George,
   Chennai- 9.
3. The Director Of Rural Development And
   Panchayat Raj
   Panagal Building, Saidapet, Chennai-15.
4. Tamil Nadu Public Service Commission
   Rep By Its Secretary, Park Town, VOC Nagar,
   Chennai- 600 003.

..Respondent(s)

Case QR

WP No. 23311 of 2023

CNR:{HCMA011414152023}

1. K.Karthikeyan
   S/o.Kalyanasundaram, BDO Office,

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Order QR

Valangaiman, Tiruvarur District.
2. E.Yuvaraj
S/o.Elumalai, BDO Office,
Arcot, Ranipet District.

..Petitioner(s)

Vs

1. The State Of Tamil Nadu Rep By Its Secretary,
Rural Development And Panchayat Raj (E5)
Department, Fort St. George,
Chennai- 600 009.
2. Tamil Nadu Public Service Commission
Chennai.
3. The Director
Rural Development And Panchayat Raj
Panagal Building, Saidapet, Chennai- 600 015.

..Respondent(s)

Case QR

WP No. 32020 of 2023

CNR:{HCMA012010492023}

1. A. Arumugam,
2. M.Karunanithi
3. R.Anitha
4. C.Rajathi,
5. K.Ezhilmathi,
6. E.Subramanian,
7. K.Ananthakrishnan,
8. K.Sangeetha,
9. R.Girija
10. S.Elizabeth Mary
11. P.Vetrithilagam,
12. P.Saraladevi,
13. J.Savithri,
14. R.Poonkodi,
15. P.Selvakumar,
16. R.Kalaiyarasan,
17. M.Tamilselvi

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18.M.Vakitha Parveen,
19.C.Suthakaran,
20.R.Vidhya,
21.G.Senthilkumar
22.H.Thilsath,
23.M.Poonkuzhali,
24.R.Parimala,
25.K.Rajkumar,
26.K.Velmurugan,
27.R.Arulkumar,
28.M.K.Arivuvel,
29.T.K.Viajayakumar,
30.M.Suresh,
31.P.Rampriya
32.A.Chitra
33.M.Muthuvishnu
34.C.Nisahanthini
35.N.P.Suguna,
36.S.Srinivasan,
37.M.Manimegalai,
38.A.R.Vijayalakshmi
39.S.Ambiga,
40.J.Gracy Presila,
41.V.Ananthakumar
42.G.Radhika
43.K.Gnanapoongothai,
44.R.Manikandan,
45.S.Balakangatharathilagar
46.N.Vijayalakshmi,
47.V.S.Senthil Kumar,
48.R.Bagyalakshmi
49.T.Geetha
50.M.G.Rajendran
51.S.Caroline Mary
52.N.Saravanan
53.K.Manimozhi,
54.R.Hemamalini,

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55.R.Gunasundari
56.S.Gobi,
57.M.Venkata Subramani.
58.K.Sumathi
59.S.Gopalakrishnan
60.S.Umamageshwari,
61.G.Srimathi,
62.V.Bharathi,
63.S.Maragathaveni,
64.M.Mythli
65.K.Loganayagi,
66.S.Tamilselvan,
67.T.S.Geetha,
68.S.Karpagavalli
69.K.Abirami,
70.T.Paneerselvam,
71.S.Sankar,
72.J.Saravanan,
73.K.Senthilkumar,
74.S.Sharfudheen,
75.K.Anitha,
76.R.Sharmila,
77.D.Kumaresan,
78.R.Athistalakshmi
79.T.Maniyarasi
80.E.Manimegalai
81.A.Sundaram,
82.R.Kavitha,
83.S.Sivakumar,
84.Y.Jabber,
85.R.Deepa,
86.N.Ramesh,
87.T.Susithira,
88.S.Senthil,
89.V.Mahesh,
90.R.Priya,
91.J.Yuvarajan,

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92.V.Sasikaladevi
93.S.Kumaresan,
94.M.Alli,
95.G.Ananthan,
96.N.Venkatesan,
97.T.Murugavel,
98.R.Selvaraj,
99.R.G.Sathya,
100. S.Velmurugan,
101. K.R.Janarathinan,
102. P.Raja
103. R.Rajathurai
104. N.Rajadeepam,
105. G.Anitha,
106. R.Preetha,
107. U.Tamilvannan,
108. B.Anvar Basha,
109. K.M.Ramesh,
110. M.Samsath Began
111. G.Shanthi,
112. J.Senthilkumar,
113. S.Rajasekar,
114. B.Chinnasamy,
115. R.Paneerselvam,
116. R.Sumathi,
117. R.Dhanalakshmi,
118. R.Porchelvi,
119. A.Jayapal,
120. G.Jayabharathi
121. D.Sathya,
122. K.Annapoorani,
123. K.M.Mohammed Shaeem,
124. K.Kalaiselvi,
125. P.Chinnasamy,
126. M.Vinothini,
127. N.Indrani,

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128. G.Vanitha Devi,
129. S.Palanisamy,
130. N.Thiruthani
131. R.Sudha,
132. K.Hemalatha
133. Rajanayagam
134. Senthilkumar,
135. Sharmila Pon Prabha,
136. R.Brindha
137. R.Sivakumar
138. K.Prabhu,
139. T.Manikandan,
140. M.Sasikala Devi
141. S.Shanthi
142. N.Santhosam
143. V.Padmavadhi,
144. R.Gopalakrishnan
145. N.Hemavathi,
146. P.Sukhasini,
147. E.Elayaperumal,
148. K.Mohanraj,
149. M.Jeganathan,
150. A.Zeenath,
151. A.Anvar Basha,
152. S.Mahalakshmi,
153. K.Sangeetha,
154. S.Raju
155. R.Karthik,
156. K.Natraj,
157. P.Mani
158. M.Vahitha Banu
159. R.Ramesh Kumar
160. G. Manikandan,
161. L.Kanagarasu
162. R.Saravanan
163. K.Gayathri,
164. G.Bose,

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165. K.Jaiganesh
166. D.Manimehalai,
167. M.Senthil,
168. K.Anuradha,
169. K.Maharani,
170. R. Kavitha
171. S.Keerthivasan,
172. V.Senthilkumar,
173. M.Chandrasekar,
174. R.Gopalakrishnan
175. S.Sangeetha,
176. R.Sahila,
177. C.Thamizharasi,
178. S.Anantharaj,
179. S.Ruby Kanagalakshmi,
180. G.Lavanya
181. D.Gowri
182. G.Kannan,
183. N.Bakkialakshmi,
184. G.Velezhini,
185. V.Vijayakumar
186. K.Muruganantham,
187. S.Kamatchi
188. M.Govindarasu
189. K.Thenmozhi,
190. R.Natarajan,
191. K.Sivabalan
192. S.Udhaya Chandran,
193. N.Deepa,
194. M.Palani
195. A.Murugan
196. K.Lakshmi
197. A.Syed Jeelan,
198. M.Senthil Kumar,
199. V.Ramesh,
200. J.Krishnan
201. S.Divya Yoga,
202. A.S.Manivannan

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203. U.Kumara Garurav,
204. T.Selvi,
205. M.Sri Lalithambigai,
206. K.Babu,
207. S.Srinivasan,
208. S.Kalaiselvi,
209. P.Vadivukarasi,
210. P.Durga Devi
211. V.Jeya Gandhi,
212. R.Angu Lakshmi
213. R.Rani
214. R.Prabhu,
215. A.Karthikeyan,
216. T.Poorani,
217. R.Jayaraman
218. L.Kasthuri,
219. M.Sudha
220. B.Prabavathi,
221. R.Uma Priya,
222. K.Indumathi,
223. R.Saritha,
224. K.R.Vidhya Tharani,
225. P.Senthil Kumar,
226. M.Thirunaryanan,
227. S.Sudha
228. V.Thangam,
229. M.Tamilarasan
230. S.Sasikala,
231. P.Vimala,
232. R.Babu,
233. R.Ramakrishnan,
234. G.Kalpana
235. K.Jothi,
236. G.Jayapal,
237. P.Palaniappan,
238. M.Chandrakumari,
239. S.Sasikumar,

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240. M.Mythili,
241. S.Pushpamani,
242. R.Murugesan
243. R.Manjula,
244. A.Pushpalatha,
245. A.Panimalar,
246. J.Mahalakshmi,
247. K.Mukthar Ahmed,
248. K.Shanthi,
249. M.Sasikala
250. M.Punitha,
251. G.Rajkumar,
252. G.Sanjeevamoorthy,
253. S.Ramya,
254. P.Nagalakshmi,
255. V.Mirunalini
256. K.Sellappan,
257. K.Radha
258. D.Vijaya,
259. S.Umamaheeswari,
260. P.Amalorpava Jessy,
261. A.Sumathi,
262. S.Geetha,
263. S.Tharani,
264. K.Sangeetha,
265. R.Anitha,
266. P.Sangeetha,
267. V.Savitha Mary,
268. P.Lalitha,
269. U.Gowri Sankar,
270. P.Maheeswari
271. Sakthipriya,
272. K. Karthik
273. S. Muruganandham,
274. V.Sai Shyamala
275. S.Suresh
276. T. Saranya

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277. S.Seethapathy
278. J. Buvana
279. A.S. Ananathi
280. A. Ranjani
281. S. Ashokan
282. M. Sivakumar
283. A.Neela
284. V.Ananda Krishnan
285. R. Muthukumar
286. B. Ramesh
287. D.Gunasekaran
288. K.Sakthivel
289. A.Vijayadevi
290. K. Sekar
291. S. Somasundaram
292. K.Thinakaran
293. T.Manikandan
294. R.Gayathri
295. S.Sangeetha
296. S.Ramu
297. K. Balamurugan
298. E.Ezhilmathi
299. J.Sulochana,
300. M.Usha
301. U.Punitha
302. D.Vimala,
303. S. Kaliraj,
304. G.Santhanayaki,
305. S. Saravanan
306. S.Mariappan,
307. T.N.Ramesh Babu
308. K.Reena,
309. R.Kavitha,
310. P.Uthayamalar,
311. C.Meenakshi,
312. P.Subramanian
313. C.Tamilmani,
314. K.C.Nagarajan

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315. P.Saravana Selvi,
316. R.Poongothai,
317. K.Radharani,
318. P.Karunadevi,
319. R.Jeevanantham,
320. J.Viji,
321. A.Indradevi,
322. V.Alagappan,
323. S.Radhidevi
324. K.Karthikeyan,
325. K.Ravikumar,
326. S.Prabhu,
327. C.Palanivel,
328. T.Ramamoorthy,
329. V.Jayakumar,
330. R.Rajesh,
331. M.Alagu Soundaram,
332. T.Chandrasekar,
333. N.Veeraraghavan,
334. P.Gunasekaran,
335. V.Jayalakshmi,
336. S.Selvi Rose Mary,
337. K.Kulanthai Therese,
338. M.Kantha Roopa,
339. S.Sivakami,
340. R.Rani,
341. M.Kokila,
342. T.Jothimani,
343. A.Arockiyadoss,
344. S.Duraiarasu,
345. P.Eswaramoorthy,
346. M.Kalaiselvi,
347. S.Umamaheeswari,
348. N.Jasmine,
349. S.Kaliappan,
350. S.Rajalakshmi,
351. R.Saraswathi,

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352. N.Hema Parvathi,
353. B.Uttra Meena,
354. B.Bakiyalakshmi,
355. T.Flora Rathinamani,
356. M.Krishnammal
357. E.Prema,
358. G.Poongodi,
359. S.Priyanka,
360. S.Devakannika,
361. M.Deenadhayalan,
362. R.Manimala,
363. N.Suajtha,
364. G.Nirmala,
365. K.Mehala Devi,
366. G.Menaka,
367. R.Radha,
368. M.Kavitha,
369. S.Senthil Vanitha
370. S.Sumathi
371. R.Brintha Malathy Devi,
372. R.Chitra Devi,
373. S.Sathya Priya,
374. M.Shanthi
375. R.Veeralakshmi
376. M. Rajapandiyan,
377. K. Velusamy,
378. S.Jayapriya,
379. A.Nagoor Hanifa,
380. T.Mathivannan
381. M.Mary Radhika,
382. R.Senthilkumar,
383. D.Suja,
384. M.Rajakumar,
385. M.Palani Sahaya Roja,
386. R.Suba,
387. S.Pratti Muthulakshmi,
388. S.Kalai Wilsy,

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389. E.Rani,
390. E.Jeyanthi,
391. N.Rajalakshmi,
392. S.John Geetha,
393. S.Girija Kumari,
394. C.Maheeswaran,
395. S.Vanaja,
396. N.T.Amutha
397. A.Rajarajeshwari,
398. K.Solaithai,
399. K.Pattukrishnan,
400. D.Charmili Jesubel,
401. S.Sakthikani,
402. R.Anusuya,
403. S.Muthulakshmi
404. K.Parthasarathi,
405. D.Nirmala Devi,
406. N.Naga Mareeswari,
407. R.Gopala Krishnan,
408. V.Anitha,
409. M.Raviyal,
410. K.Muthuramasamy,
411. K.S.Mohideen Abdul Kathar,
412. N.Dhinakaran Rathinasamy,
413. K.Namasivayam,
414. S.Caroline Santhakumari
415. M.Sahayarani,
416. K.Christy Jasmine,
417. M.Maragatham,
418. R.Sridevi,
419. C.Thangarani,
420. C.Mariammal,
421. M.Manikandan,
422. M.Shanthi,
423. P.Murugachandran,
424. S.Gandhimathi,
425. Jayakumari,

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426. V.Thangaduraichi
427. P. Arunagni
428. A. Amuthavelu,
429. K. Sengeetha,
430. M. Kavitha
431. A. Gopinath
432. M. Thangarathinam
433. R. Srinallathambi
434. S. Vasantha Kumar
435. P. Mangaiarkarasi,
436. P.Pugalenthi
437. K. Sugapirya,
438. S. Saravanan,
439. C.Anusuya,
440. K. Karuppaiah,
441. P. Uma Maheswari,
442. K.Sakthi Vel
443. M. Saravana Kumar,
444. B.Saravanan
445. P. Kavitha
446. G. Murugesan
447. S.Neela,
448. Thomas Anandaraj,
449. K. Sundar,
450. K. Kavitha
451. A. Santhose Kumar
452. K. Durai Raj
453. A. Sekar
454. U.Viji
455. A.Amutha
456. M. Kasthuribai,
457. D. Rathi Priya
458. S. Karthikeyan
459. D. Prabavathi
460. R. Malathi
461. I. Musthafa,
462. J. Gowsalya
463. L. Allirani

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464. S. Sasintha
465. M. Seetha Lakshmi
466. K.Chinnadurai,
467. N.Devarajan,
468. M.Sakthivel,
469. K.Sathyabama,
470. M.Vimala,
471. M.Thangadurai,
472. S.Ananthakumar,
473. K.Prasannakumar,
474. S.Kamala,
475. M.Kameeswari,
476. S.Arulrajan,
477. V.Veeramani,
478. G.Venkatesan,
479. K.Kasthuri,
480. D.Karunakaran,
481. G.Tamilvannan,
482. V.Deepa,
483. J.Balamurugan,
484. S.Arul,
485. P.Saravanan,
486. C.Thiruppathy,
487. A.Jagubar Sathik,
488. R.Nithya,
489. A.Amutha,
490. R.Premalatha,
491. S.Ashok Kumar,
492. M.Vidhyavathi,
493. M.Sumathi,
494. M. Kalidass,
495. H.Rajarajeswari,
496. B.Geetha,
497. G.Palanivelu,
498. S.Kannan,
499. K.Kaleeswari,
500. C.Sundarapandian,

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501. Selvarani,
502. Selvaraj,
503. K. Jamal,
504. C. Manikandan,
505. C.Porkodi
506. P.Uma
507. P.Kavitha
508. M.Jaya
509. B.Sujatha
510. A.Jaffar Sadiq
511. V.Senthil Kumar,
512. B.Babu,
513. S.Johnkhan,
514. R.Veerappan,
515. S.Anandha Jothi,
516. D.Jayanthi,
517. K.Ponvel
518. H.Stalin Babu,

..Petitioner(s)

Vs

1. State Of Tamil Nadu, Represented By
   The Principal Secretary To The Government,
   Rural Development And Panchayat Raj (E5)
   Department,
   Fort.St.George, Chennai 9.
2. State Of Tamil Nadu
   Represented By Its Additional Chief Secretary
   To Government, Finance Department,
   Fort.St.George, Chennai 9.
3. The Director Of Rural Development And
   Panchayat Raj
   Panagal Building, Saidapet,
   Chennai 15.
4. Tamil Nadu Public Service Commission,
   Rep By Its Secretary,
   Park Town, VOC Nagar,
   Chennai 600 003.

..Respondent(s)

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Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Government order in G.O. (Ms) No.92 Rural Development and Panchayat Raj (E5) Department dated 13.07.2023 and the consequential Government Letter in Letter (Ms) No.94 Rural Development and Panchayat Raj (E5) Department dated 13.07.2023 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the Respondents to absorb the Petitioner in the Post of Junior Assistant by conducting special qualifying test in accordance with the decision of the 1st respondent in G.O. Ms No.37 Rural Development and panchayat Raj (E5) Department dated 22.03.2017 within the time period stipulated by this Honble court.

WP No. 23311 of 2023

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, Calling for the entire records in order passed by the first respondent in G.O.(Ms) No. 92, Rural Development and Panchayat Raj (E5) Department, dated 13.7.2023 and quash the same and directing the respondents to regularize the services of the petitioners in terms of G.O. (MS) No.37, Rural Development and Panchayat Raj (E5) department, dated 22.3.2017 within the time limit that may be fixed by this Honourable court.

WP No. 32020 of 2023

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Government Order in G.O.(Ms).No.92 Rural Development and Panchayat Raj (E5) Department dated 13.07.2023 and the Consequential

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Government Letter in Letter (Ms) No.94 Rural Development and Panchayat Raj (E5) Department dated 13.07.2023 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the Respondents to absorb the Petitioners in the Post of Junior Assistants by conducting special qualifying test in accordance with the decision of the 1st Respondent in G.O.Ms.No.37 Rural Development and Panchayat Raj (E5) Department dated 22.03.2017 within the time period stipulated by this Hon'ble Court and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner(s): in WP.27070/2024	Mr.T.Lajapathi Roy Senior Counsel for Mr.K.Thilageswaran
For Respondent(s): in WP.27070/2024	Mrs.Kavitha Nithiyanandan Rameshwar Additional Advocate General Assisted by Mr.S.Ilamvaludhi Special Government Pleader For RR1 To 3 Mr.B.Vijay Standing Counsel For R4
For Petitioner(s) : in WP.23311/2023	Mr.V.Chandrasekaran
For Respondent(s): in WP.23311/2023	Mrs.Kavitha Nithiyanandan Rameshwar Additional Advocate General Assisted by Mr.S.Ilamvaludhi Special Government Pleader For RR1 & 3 Mr.B.Vijay Standing Counsel For R2
For Petitioner(s): in WP.32020/2023	Mr.T.Lajapathi Roy Senior Counsel for M/s.T.Lajapathi Roy & Associates
For Respondent(s) : in WP.32020/2023	Mrs.Kavitha Nithiyanandan Rameshwar Additional Advocate General

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2026:MHC:4344

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Assisted by Mr.S.Ilamvaludhi
Special Government Pleader For RR1 to 3
Mr.B.Vijay
Standing Counsel For R4

****

COMMON ORDER

All the three Writ Petitions are arising against the G.O.Ms.No.92, Rural Development and Panchayat Raj (E5) Department dated 13.07.2023. Hence, all of them are taken together for common adjudication.

2.The brief facts which are necessary for the disposal of the present writ petitions are that, these petitioners were appointed as Computer Assistants between 2006 to 2013 under the "Mahatma Gandhi National Rural Employment Guarantee Scheme" [hereinafter called as "MGNREGS"]. These petitioners were appointed on a consolidated pay after following due selection process and on the basis of communal rotation. They contend that they are the successful candidates sponsored by the Employment Exchange under the ratio of 1:5 for each vacancies, and that they have also undergone a written examination. It is their further submission that all the petitioners are having degree in Computer application or Computer Science. They state that the post of Computer Assistant is a sanctioned post as per MGNREGS. Further, they have been in service for more than 18 years. Based on their long service, and the perpetual requirement of the petitioners service to the scheme, the Government vide G.O.Ms.No.37

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dated 22.03.2017 took a policy decision to absorb the petitioners. However, vide the impugned G.O.Ms.No.92 dated 13.07.2023, the order of absorption was withdrawn by referring to the judgments of the Hon'ble Supreme Court in ***State of Karnataka and Others Vs. Umadevi*** reported in ***(2006) 4 SCC 1,*** and ***State of Rajasthan Vs. Daya Lal*** reported in ***(2011) 2 SCC 429***. Aggrieved with the same, the present writ petitions have been filed.

3.Heard Mr.T.Lajapthi Roy, learned Senior Counsel appearing for the petitioners in WP.Nos.27070 of 2024 and 32020 of 2023, Mr.V.Chandrasekaran, learned counsel for the petitioner in WP.No.23311 of 2023, Mrs.Kavitha Nithiyanandan Rameshwar, learned Additional Advocate General assisted by Mr.S.Ilamvaludhi, learned Special Government Pleader for the State and Mr.B.Vijay, learned Standing Counsel for TNPSC.

4(a).The learned Senior Counsel appearing for the petitioners in WP.Nos.27070 of 2024 & 32020 of 2023 would contend that the Division Bench of this Court in a batch of WA(MD).Nos.1358 of 2019 dated 21.11.2019 has directed the respondent to take a conscious decision after taking note of the recommendation given by the Director of Rural Development and Panchayat Raj dated 28.02.2019. The learned Senior Counsel has also invited the attention of this Court about the recommendations of the Director of Rural Development

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and Panchayat Raj [3rd respondent herein], wherein he has elaborately considered various aspects and has also referred about the sanctioning of the post and ultimately recommended to consider the Computer Assistant post to be regularized in a time scale equivalent to the post of Junior Assistant scale. In spite of such recommendations, the first respondent erroneously withdrawn G.O.Ms.No.37, Rural Development and Panchayat Raj (E5) Department dated 22.03.2017. Such withdrawal is in contravention to the policy adopted by the respondent in G.O.(Ms).No.96 dated 06.06.2008, where the overseers those who were recruited under the very same Scheme was later absorbed by relaxing age criteria. Therefore, having absorbed one set of employees, and discriminating others would impinge upon Article 14 of the Constitution of India.

(b).It is also the submission of the learned Senior Counsel that the alleged reason mentioned in the impugned order that TNPSC has objected to conduct the Special Qualifying Text is fallacious, as the TNPSC is only the recruiting agency, and that they should abide by the request of the Government. The learned Senior Counsel would further submit that according to the observation made in WA(MD).Nos.1358, 1363, 1364, 1366, 1367, 1369 and 1371 to 1379 of 2019 dated 21.11.2019, TNPSC had previously agreed to conduct a Special Qualifying Test. Therefore, such contrary stand cannot be a ground to deny

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regularization. The learned Senior Counsel would also rely upon the recent judgment of the Hon'ble Supreme Court in ***Sukhendu Bhattacharjee and others Vs. State of Assam and others*** reported in ***2026 SCC OnLine SC 909***. Hence, prayed to allow these writ petitions.

5.The above contention was reiterated by Mr.V.Chandrasekaran, learned counsel for the petitioners in WP.No.23311 of 2023. He would contend that the very reliance of ***Umadevi***'s case [cited supra] in the impugned order is incorrect, as the facts referred to in ***Umadevi'***s case [cited supra] and the instant case are distinguishable. It is also his submission that since the petitioners are the qualified persons and having been in the service of the respondent for last 20 years, that too in a sanctioned post, at this length of time, if the respondent do not regularize them, it would affect their legitimate expectation. Hence, prayed to allow the present writ petition.

6(a).*Per contra,* the above contention was stoutly objected by the learned Additional Advocate General, but in all fairness, she would contend that the petitioners cannot be construed as a back door entrants, and that they have been appointed only after following due procedures and on following the communal rotation. However, she would contend that mere sponsoring of the petitioners by the Employment Exchange by itself cannot be construed as a valid recruitment

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of a public employment, as large portion of the open market candidates were not put on notice and thereby, the petitioners cannot claim the absorption as a matter of right and that such prayer is in contravention to the ratio of ***Umadevi***'s case [cited supra]. She would also contend that when the petitioners are recruited under various G.Os, it was specifically informed to them that they are recruited only on contractual basis and that they would be eligible for consolidated payment and that their employment would be until the scheme is in existence or the necessity of the posts ceases.

(b).Though the MGNREGS is renamed as "The Viksit Bharat-Guarantee for Rozgar and Ajeevika Mission (Gramin)" [hereinafter "VB-G RAM G"] by the Act of Parliament in Act 36 of 2025, the Central Government and the State Government should share the expenditure of the scheme under 60:40 basis.

(c). It is also her submission that the administrative expenses would also be borne by 60:40. Therefore, the absorption of the petitioners in the State Government service is irrational. She would further submit that by virtue of Writ Appeal order in WA(MD).No.1358 of 2019 etc., batch, the decision of the Government to withdraw the absorption G.O was approved. Therefore, she would contend that the petitioner's contention basing reliance upon G.O.Ms.No.37 is incorrect. She would also contend that in the absence of a

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sanctioned post, the State cannot be compelled to absorb the persons. In support of her contention, she would rely upon the judgment of the Hon'ble Supreme Court in ***Nihal Singh and others Vs. State of Punjab and others*** reported in ***(2013) 14 SCC 65.*** Hence, prayed to dismiss the writ petitions.

7.The learned Standing Counsel for TNPSC has also reiterated the above submissions.

8.I have given my anxious consideration to either side submissions.

9.It is an admitted fact that these petitioners were originally decided to be absorbed by the Government in G.O.Ms.No.37 dated 22.03.2017, in which at paragraph 5 it has been referred as follows:-

> *"5.The Director of Rural Development and Panchayat Raj has further stated that only 906 Computer Assistants who have completed 5 years as on 30.09.2015 are working in District Rural Develpment Agencies and in Blocks under MGNREGS. All these 906 Computer Assistants are recruited through Employment exchage following due procedures and communal rotation. The details of District wise Computer Assistants completed 5 years of service are given below:*

5 years completion – Details of District wise Computer Assistants					
Sl.No.	**District**	**Total No. of persons selected through Employment exchange**	**5 years completion as on 31.7.2015**	**5 years completion as on 10.08.2015**	**Persons completing 5 years From 11.8.2015 to 30.09.2015**
1.	Kancheepuram	20	18	2	
2.	Tiruvallur	38	34	2	2
3.	Cuddalore	27	25		2
4.	Villupuram	81	76	5	
5.	Vellore	35	35		

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6.	Tiruvannamalai	50	45	1	3
7.	Salem	48	45	1	2
8.	Namakkal	33	33		
9.	Dharmapuri	17	17		
10.	Krishnagiri	6	6		
11.	Erode	28	28		
12.	Coimbatore	18	16	1	1
13.	Tiruppur	30	29		1
14.	The Nilgiris	10	9		1
15.	Thanjavur	43	37	2	4
16.	Nagapattinam	22	22		
17.	Tiruvarur	40	39		1
18.	Tiruchirappalli	36	33		3
19.	Karur	16	15	1	
20.	Ariyalur	23	20		3
21.	Perambalur	13	13		
22.	Pudukottai	42	37	3	1
23.	Madurai	20	19	1	
24.	Theni	14	13	1	
25.	Dindigul	13	13		
26.	Ramanathapuram	33	32	1	
27.	Virudhunagar	36	32	2	2
28.	Sivagangai	42	42		
29.	Tirunelveli	36	35		1
30.	Thoothukudi	19	9	9	1
31.	Kanniyakumari	19	18	1	
Total		908	845	33	28
			906		

10.On perusal of the above, it is amply clear that these petitioners were recruited through Employment Exchange following due procedures and communal rotation, which factum has not at all been seriously disputed by the learned Additional Advocate General. In fact, in all fairness she would contend

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that the petitioners cannot be termed as a backdoor entrants. However, by virtue of the impugned order, they withdraw the G.O.Ms.No.37 dated 22.03.2017 for which they relied upon the two judgments of the Hon'ble Supreme Court in ***Umadevi's*** case [cited supra] and ***Daya Lal***'s case [cited supra]. On close reading of the above two judgments, what would emerge is, even if any person has been continuously working for considerable period in a post not sanctioned by the Government either on a contractual employment or as casual worker, they cannot seek regularization as a matter of right and such regularization were found to be illegal. But, in the case in hand, even according to the stand of the Government, these petitioners were recruited in a sanctioned post, through Employment Exchange that too after following due procedures and on the basis of communal rotation.

11.At this juncture, it is relevant to refer the argument advanced by the learned Additional Advocate General by referring to the judgment of the Hon'ble Supreme Court in ***Nihal Singhs's*** case [cited supra], wherein the Hon'ble Supreme Court has held that, when the post is not sanctioned, the State cannot be compelled to absorb the persons and that the Court, while exercising the power of judicial review, cannot direct the authorities to sanction or create a post. But, in the instant case, these petitioners were appointed in a sanctioned

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post. In this regard, it is relevant to refer the very same G.O.Ms.No.37 dated 22.03.2017, wherein in first paragraph, it has been observed as follows:-

"In the letter thirteenth read above, the Director of Rural Development and Panchayat Raj has stated that 1791 posts of Computer Assistants were sanctioned in the consolidated pay as detailed below:

Sl.No.	Name of the Post	No.of Posts created	G.O.No and date in which the posts were sanctioned
1.	Computer Assistants	180	G.O.(Ms).No.153, Rural Development and Panchayat Raj (CGS1) Department dated 20.10.2006
		102	G.O.(Ms).No.115, Rural Develpment and Panchayat Raj (CGS1) Department, dated 02.07.2007
		1	G.O.(Ms).No.174, Rural Develpment and Panchayat Raj (CGS1) Department, dated 15.10.2007
		518	G.O.(Ms).No.27, Rural Develpment and Panchayat Raj (CGS1) Department, dated 20.02.2008
		572	G.O.(Ms).No.84, Rural Develpment and Panchayat Raj (CGS1) Department, dated 04.08.2009
		416	G.O.(Ms).No.69, Rural Develpment and Panchayat Raj (CGS1) Department, dated 15.06.2010
		2	G.O.(Ms).No.161, Rural Develpment and Panchayat Raj (CGS1) Department, dated 24.10.2013
Total		1791	

Further necessary instructions were issued in G.O.(Ms).No.115, Rural Development and Panchayat Raj (CGS-1) Department, dated 02.07.2007 for selection of Computer Assistants."

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12.From the perusal of the above G.O., it is amply clear that these petitioners were appointed in a sanctioned post. At this juncture, it is relevant to extract the relevant portion from one of the G.O referred in G.O.Ms.No.37 dated 22.03.2017 for ready reference. In G.O.Ms.No.153, Rural Development and Panchayat Raj (CGS I) Department dated 20.10.2006 in para 4, it has been observed as follows:-

> *"4.After careful examination of the recommendations of the Director of Rural Development and Panchayat Raj,* ***the Government sanction the following posts in the six districts*** *viz., Cuddalore, Villupuram, Tiruvannamalai, Nagapattinam, Dindigul and Sivaganga, where the – Tamil Nadu Rural Employment Guarantee Scheme is under implementation till the scheme is in existence or the necessity of the post ceases whichever is earlier.*
>
> *(i) 180 posts of Computer Assistants and 180 posts of Technical Assistants (two posts of Computer Assistant and two posts of Technical Assistant for each of the 90 blocks in six districts).*
>
> *(ii) 383 posts of Technical Assistants at the rate of one for every ten Village Panchayats in six districts.*
>
> *(iii) For Computer Assistants (two per block), the Collectors shall recruit the eligible persons by calling for a list from the Employment Exchange or through outsourcing them on contract basis by prescribing a qualification of* ***"Degree in Computer Applications or Computer Science".*** *They shall be paid Rs.4000/- per month on consolidated pay.*
>
> *(iv) The selection of two Technical Assistants per block and one for every ten Village Panchayats shall be made by calling for the list from the Employment Exchange and conducting a simple test for them or by outsourcing them locally on contract basis and place them on consolidated pay of Rs.4,000/- per month. The qualification for the post of Technical Assistant shall be "****Diploma/Degree in Civil Engineering".****"*

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13.On close reading of the above G.O., it is amply clear that the post was sanctioned by the Government. However, the said post was in a contractual basis and coterminous with the scheme. Therefore, the primary contention of the learned Additional Advocate General that the posts are not sanctioned is liable to be rejected. On close reading of the above conditions, it is mentioned that these posts will continue till the scheme exists. However, now it is an admitted fact that the above Scheme become permanent by an act of a Parliament in Act No.36/2025 under VB-G RAM G scheme. Therefore, though a post was initially sanctioned with condition, by virtue of the Act No.36/2025 the said post was impliedly made as permanent due to their perpetual necessity. Therefore, the requirement of the petitioners to perform their duty as a Computer Assistant become continuous requirement, as the Scheme though initially for a certain period, now made it as a permanent.

14. Now that, while perusing the impugned order, there is a reference that the TNPSC has raised objection to conduct a Special Recruitment Test. But, on perusal of the order in WA(MD).No.1358 of 2019 etc., batch, there is a reference that the TNPSC has previously concurred to conduct such Special Qualifying Examination. But, that was during 2017, and the present impugned order is during 2023. Therefore, the very conduct of the State taking one view

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during 2017 and another view during 2023 without there being any change in law except the change in ruling regime would only demonstrate the *mala fide*, and arbitrary exercise of power by the State.

15.At this juncture, it would be relevant to refer the arguments advanced by the learned Senior Counsel for the petitioners. He would contend that similarly placed persons those who were recruited for the post of Overseer for the MGNREGS was subsequently absorbed in G.O.Ms.No.96 dated 06.06.2008, which factum is not seriously disputed by the respondent. Therefore, having absorbed one set of employees and denying such relief to other would definitely be a discrimination and could only be considered as an arbitrary exercise of power. At this juncture, it is relevant to refer that the equality is not merely a principle of equal treatment, but it is a guarantee against arbitrary State action.

16. At this juncture, it is also relevant to refer the judgment relied upon by the learned Senior Counsel in ***Sukhendu Bhattacharjee'***s case [cited supra] wherein in paragraph 76, the Hon'ble Supreme Court has held as follows:-

> ***"76****. What emerges from the principles enunciated in the aforesaid decisions is that the State cannot rely upon the mere form of engagement to deny fair and equitable treatment 24 to employees who have served it for long years. The consistent thread running through these judgments is that* ***Umadevi*** *(supra) cannot be invoked as a blanket barrier to justify prolonged and continued engagements of a temporary or ad hoc nature, especially where the employees have been discharging essential and recurring functions of the State. The Court has repeatedly emphasised that the distinction between "illegal" and "irregular" appointments must be*

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kept in view, that long and continuous service is a relevant consideration, and that the State, as a model employer, is under a constitutional obligation to act with fairness, consistency and reasonableness. The practice of retaining employees for decades under deceptively titled designations, while simultaneously extracting regular work integral to the administration, has been disapproved consistently."

17.Apart from the above judgment, for tracing the march of law, it is also relevant to refer the judgment of the Hon'ble Supreme Court in ***Jaggo Vs. Union of India*** reported in ***2024 SCC OnLine SC 3826***, wherein the Hon'ble Supreme Court has clearly held that the Government should be a model employer and cannot engage an employee on contractual basis perpetually. Here, these petitioners were recruited by following due procedure and as per communal rotation. Further, the respondent initially decided to absorb them, as they have been continuously discharging essential and recurring functions of the State. In such view of the above position, the subsequent withdrawal vide G.O.Ms.No.92, Rural Development and Panchayat Raj (E5) Department dated 13.07.2023 and consequential Government Letter (Ms) No.94 dated 13.07.2023 are liable to be quashed as the same is illegal and arbitrary.

18.In view of the above detailed discussions, these writ petitions are allowed. As a concomitant, the respondents are directed to absorb the Petitioners in the Post of Junior Assistant by conducting Special Qualifying Test

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in accordance with the decision of the 1st respondent in G.O. Ms No.37 Rural Development and panchayat Raj (E5) Department dated 22.03.2017, within a period of twelve(12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMPs are also closed.

28-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes
KMI

To

1. The Principal Secretary To Government,
   State Of Tamil Nadu
   Rural Development And Panchayat Raj (E5) Department,
   Fort St. George, Chennai- 9.
2. The Additional Chief Secretary To Government,
   State Of Tamil Nadu, Finance Department, Fort St. George, Chennai- 9.
3. The Director Of Rural Development And Panchayat Raj
   Panagal Building, Saidapet, Chennai-15.
4. Tamil Nadu Public Service Commission
   Rep By Its Secretary, Park Town, Voc Nagar, Chennai- 003.

WP No. 23311 of 2023

1.The State Of Tamil Nadu
Rep By Its Secretary, Rural Development And
Panchayat Raj (e5) Department, Fort St. George,
Chennai- 600 009.
2.Tamil Nadu Public Service Commission
Chennai.
3.The Director
Rural Development And Panchayat Raj Panagal
Building, Saidapet, Chennai- 600 015.

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WP No. 32020 of 2023

1.State Of Tamil Nadu, Represented By
The Principal Secretary To The Government,
Rural Development And Panchayat Raj (E5)
Department, Fort.St.George, Chennai 9.
2. State Of Tamil Nadu Represented By Its
Additional Chief Secretary To Government,
Finance Department, Fort.St.George,
Chennai 9.
3. The Director Of Rural Development And
Panchayat Raj
Panagal Building,
Saidapet, Chennai 15.
4.Tamil Nadu Public Service Commission,
Rep By Its Secretary,
Park Town, Voc Nagar,
Chennai 600 003

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C.KUMARAPPAN J.

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WP Nos.27070 of 2024, 23311 of 2023
& 32020 of 2023
AND
WMP Nos.29587 of 2024, 22847, 22852,
22854, 22856, 31623 & 31625 of 2023

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