

WP(MD)No.2060 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 26.02.2026

DELIVERED ON : 22.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

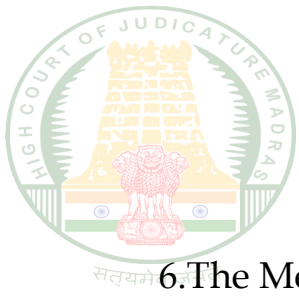
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K.Ambika

: Petitioner

Vs.

- 1.The Director of Animal Husbandry and  
Veterinary Services,  
Nandanam, Chennai – 35.
- 2.The Joint Director of Animal Husbandry and  
Veterinary Services,  
Trichy.
- 3.The District Collector,  
Trichy District,  
Trichy.
- 4.The Block Development Officer,  
Thottiam,  
Trichy District.
- 5.The President,  
Alakarai Panchayat,  
Trichy District.



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6.The Medical Officer,  
Veterinary Hospital,  
Alakarai, Trichy District.

7.The Secretary to Government,  
Rural Development and Panchayat Raj Department,  
Fort St.George, Chennai.

: Respondents

[R7 *suo-motu* impleaded vide order dated 29.01.2026]

**PRAYER:** Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to observe the petitioner as Scavenger in the sanctioned vacancy of the sixth respondent Hospital and place in the time scale of pay considering the nature of work and long period.

For Petitioner : Mr.Xavier Rajini  
for Mr.R.Murugan

For Respondents: Mr.Veerakathiravan,  
Additional Advocate General  
Assisted by  
Mr.C.Venkatesh Kumar,  
Special Government Pleader  
for R.1 to R.3, R.6, R.7

Mr.S.Saji Bino,  
Special Government Pleader  
for R.4, R.5

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## **ORDER**

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The petitioner claims that she was engaged as a Scavenger in the sixth respondent Hospital in the year 2016 and she has been allowed to continue to work in the same place for the past nine years. She claims that the Block Development Officer has made a proposal for regularizing her services, however, it has not been considered. Therefore, the petitioner has submitted a representation and has filed this writ petition seeking the issuance of a mandamus to absorb her as Scavenger in the sanctioned vacancy of the sixth respondent Hospital.

2.The learned Additional Advocate General disputed the petitioner's claim that she is working as a Scavenger in the sixth respondent Hospital and on instructions and also by referring to the letter dated 20.12.2021 of the Assistant Medical Officer, Veterinary Hospital, Alakarai, submitted that the petitioner has been engaged on temporary basis and she has been paid under the Mahatma Gandhi National Rural Employment Guarantee Scheme. Therefore, he submits that the petitioner is not entitled for regularization.



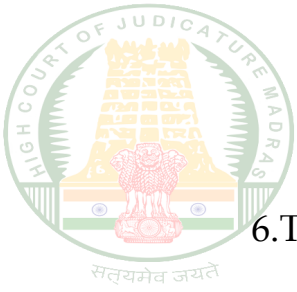
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3.This Court considered the rival submissions made by the learned Counsel on either side and perused the materials placed on record.

4.The Mahatma Gandhi National Rural Employment Guarantee Scheme [in short 'MGNREG Scheme'] was launched in the year 2006 aiming to provide guaranteed employment for 100 days in a financial year to any rural household to do unskilled manual work. The core objective of the scheme, among other things, is to strengthen the livelihood resource base of the poor.

5.While so, the materials placed before this Court indicate that the petitioner is stated to have been engaged for several years and paid under the MGNREG Scheme. The manner in which such engagement came to be continued for such a long period has not been explained before this Court. However, the present case has brought to light an issue which may deserve consideration at the policy level.



6.The petitioner claims to have been engaged as a Scavenger in a Veterinary Hospital for several years. The stand of the respondents is that she was engaged only on a temporary basis under the MGNREG Scheme and that such engagement does not confer any right to seek regularisation or permanent absorption. Insofar as the claim for permanent appointment is concerned, the legal position is fairly settled. Ordinarily, appointments to public posts must be made through a duly constituted recruitment process so as to uphold the guarantee of equal opportunity enshrined under Article 14 of the Indian Constitution. Mere continuance of engagement, however long, cannot by itself create a right to regularisation where the initial entry was not through such a process. Therefore, this Court is not inclined to grant the relief sought for by the petitioner.

7.At the same time, the stand taken by the Department gives rise to certain larger questions. If the workers under the MGNREG Scheme can be engaged for years together in a rural Animal Husbandry institution for carrying out recurring activities required for its day-to-day functioning, it would indicate the existence of a genuine and continuing requirement for



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labour. It would also suggest that the Scheme is being utilised for meeting manpower requirements in certain rural institutions.

8.The MGNREG Scheme was conceived at a time when most public works were executed manually. At that time, activities such as desilting ponds, digging channels, clearing vegetation and similar works required substantial manual labour. Today, many such activities can be completed far more efficiently through the use of modern machinery. A task which used to require several workers over many days can often be completed by a trained machine operator within a fraction of the time nowadays.

9.The question therefore arises whether labour should continue to be deployed predominantly for activities that can now be effectively undertaken through mechanisation, or whether a portion of such labour can be redirected towards sectors where there exists a genuine and continuing demand for human effort.

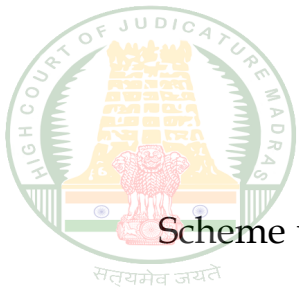


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10. Agriculture presents one such sector. The farmers across the State frequently complain of acute shortage of labour for agricultural operations. If MGNREG scheme workers can be utilised for meeting the labour requirements in a rural Government institution, it may be worthwhile to examine whether a suitable framework can also be devised for productive engagement in the agricultural sector. Such a model could also involve sharing the wage burden between the Government and the farmer, thereby ensuring employment for workers, addressing the labour shortages faced by farmers and reducing the overall burden on the public exchequer.

11. The purpose of such an arrangement need not be to confer any right to permanent employment. The distinction between engagement under a welfare scheme and appointment to public services would continue to remain. At the same time, the availability of labour under the MGNREG Scheme may be channelled towards activities that directly contribute to agricultural production and rural economic growth. It is also relevant to note that the government intends to replace the MGNREG



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Scheme with the Viksit Bharat-Guarantee for Rozgar and Ajeevika Mission

(Gramin) Scheme [VB-G RAM G Scheme]. This new scheme has been introduced with the object of expanding livelihood security and establishing a rural development framework. Therefore, such a framework for engagement of workers in the agricultural sector can be considered when framing rules and guidelines under this scheme.

12.The practical modalities, eligibility conditions, safeguards against misuse, extent of mechanisation, ensuring protection of workers' interests and monitoring mechanisms are matters that would fall within the domain of policy makers and experts in the field. However, the circumstances brought to the notice of this Court suggest that the issue may deserve a fresh examination. The public welfare programmes must evolve with changing economic conditions, technological advancements and ground realities. If technology can efficiently perform certain categories of work, and if there exists a simultaneous shortage of labour in other productive sectors such as agriculture, it may be worthwhile for the policy makers to explore whether available human resources can be utilised in a manner that



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better serves the interests of workers, farmers and the rural economy as a whole.

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With the above observations, this writ petition stands disposed of.

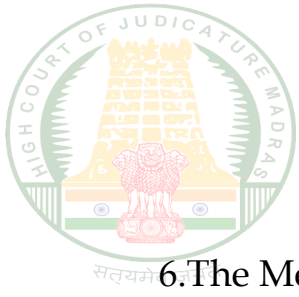
There shall be no order as to costs.

Internet : Yes  
gk

22.06.2026

To

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- 2.The Joint Director of Animal Husbandry and  
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**B.PUGALENDHI, J.**

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