

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37528 of 2016
and W.M.P.No.32155 of 2016

Dr.P.Chitra

.. Petitioner

Vs

1 The Assistant Director
State Industrial & Service Employment Office
Jayaprakash Narayanan Maligai No.56 Kuil
Thottam Santhome Chennai-600 004.

2 Assistant Director
Professional Employment Office Guindy
Chennai-600 032.

3 The Commissioner
O/o.The Commissioner of Indian Medicine &
Homoeopathy Arignar Anna Government
Hospital of Indian Medicine Campus
Arumbakkam Chennai-106.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to register the petitioner's name in its office as per her application dated 9.7.2009.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to

register her name in its office as per her application dated 9.7.2009.

3. It is the case of the petitioner that she is a Homeopathic Doctor and she has possessed the Bachelor of Homeopathic Medicine and Surgery (BHMS) degree. However, due to her personal reason, she was not able to register the same in the employment exchange. While so, in the month of June 2009, the Government of Tamil Nadu has announced that the registration of employment has to be made / done by post. Immediately, she sent an application to the first respondent office on 9.7.2009 by registered post and the same was received on 13.7.2009. Even after receipt of her application by the first respondent office, there was no proper response from them. Whenever she visited the office of the first respondent, they simply told that her card would be sent later. In the meanwhile, the office of the first respondent was shifted from Mylapore to Guindy address and the offices of respondents 1 and 2 are one and same. Therefore, she was forced to send her grievance to the second respondent, but, there was no response. While so, on 25.9.2016, the third respondent published a notice in the newspaper about the recruitment of Homeopathic Doctors and as per the said notice the candidates must register their professional qualification in the employment exchange. Due to the negligent act of the respondents 1 and 2, she was unable to produce the employment exchange card before the office of the third respondent for her interview for recruitment of Homeopathic doctor. Hence, she has come forward with the present writ petition seeking a direction to the second respondent to register her name in its office as per her application dated 9.7.2009.

4. Today, when the matter was taken up for consideration, learned Special Government Pleader appearing for the respondents by filing counter affidavit, submitted that due to the flood during December, 2015, the entire records, computers and accessories and furnitures of the office of the second respondent have been completely destroyed. Hence, the records or registers pertaining to the years 2009 and 2014 are not available with the office. Therefore, if the petitioner produces the original acknowledgment card dated 13.7.2009 of the registered post sent by her to the office of the second respondent, after verifying the necessary certificates like proof for date of birth, family card, BHMS certificate, etc., necessary action will be taken immediately to provide seniority as per the existing rules in force.

5. Learned counsel appearing for the petitioner submitted that the petitioner is ready to produce the acknowledgment card within three days from the date of receipt of a copy of this order to show that she has sent the

application dated 9.7.2009 to the office of the second respondent.

6. In view of the said submissions made by the learned Special Government Pleader appearing for the respondents and the learned counsel appearing for the petitioner, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to produce the acknowledgment card dated 13.7.2009 along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass / take appropriate orders / action, on merits and in accordance with law, within a period of two weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1 The Assistant Director
State Industrial & Service Employment Office,
Jayaprakash Narayanan Maligai,
No.56 Kuil Thottam,
Santhome, Chennai-600 004.
- 2 Assistant Director
Professional Employment Office Guindy
Chennai-600 032.
- 3 The Commissioner
O/o.The Commissioner of Indian Medicine &
Homoeopathy Arignar Anna Government
Hospital of Indian Medicine Campus
Arumbakkam Chennai-106.

+1cc to Mr.M.Chidambaram, Advocate Sr.66394
+1cc to the Government Pleader Sr.67117

W.P.No. 37528 of 2016

nm I[co]
srg 10/12/2016