

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.Nos.5404 & 5405 of 2016 &

W.M.P.Nos.4710 & 4711 of 2016

K.Srinivasan .. Petitioner in W.P.No.5404/2016
C.Nandhakumar .. Petitioner in W.P.No.5405/2016

v.

- 1 The Director of Public Health & Preventive Medicines
Chennai-6
- 2 The Deputy Director of Health Services
Tirupattur, Vellore District
- 3 The Government of Tamilnadu
Rep. by Secretary to Government
Health & Family Welfare Department
Secretariat
Chennai-9

.. Respondents

Writ Petition No.5404/2016 has been filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the 3rd respondent to consider the claim of the petitioner for regular absorption into Government Service by regular appointment as Driver and to direct the 2nd respondent to keep one post of Driver against SC Community in Tirupattur Health District pursuant to the Notification dated 12.1.2016 of the 2nd respondent vacant and reserved for the petitioner herein pending such consideration and passing appropriate orders by the 3rd respondent.

Writ Petition No.5405/2016 has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to consider the claim of the petitioner for regular absorption into Government Service by regular appointment as Driver and to direct the 2nd respondent to keep one post of Driver against MBC Community in Tirupattur

Health District pursuant to the Notification dated 12.1.2016 vacant and reserved for the petitioner herein pending such consideration and passing appropriate orders by the 3rd respondent

For Petitioner : Mr.M.Ravi
For Respondent : Mr.S.Gunasekaran
Govt. Advocate

COMMON ORDER

The petitioners have filed the above writ petitions to issue a Writ of Mandamus to direct the third respondent to consider the claim of the petitioners for regularly absorption into Government Service by regular appointment as Drivers and to direct the second respondent to keep one post of Driver against SC Community and one post of Driver against MBC Community respectively in Tiruppattur Health District pursuant to the Notification dated 12.1.2016 of the second respondent vacant and reserved for the petitioners herein pending such consideration and pass appropriate orders by the third respondent.

2. Mr.M.Ravi, learned counsel appearing for the petitioners, submitted that in an identical matter in W.P.No.2964 of 2016, this court, by order dated 28.01.2016, ordered notice of motion and granted an order of interim injunction restraining the second respondent from filling up one post of driver in SC Community in Tirupattur District pursuant to the notification dated 13.1.2016.

3. Since the relief sought for in the present writ petitions is only to consider the petitioners' representations, I am of the view that the writ petitions itself can be disposed of and the second respondent can be directed to keep one post of Driver against SC Community and one post of Driver against MBC Community as vacant till the disposal of the petitioners' representations.

4. Mr.S.Gunasekaran, learned Government Advocate, takes notice for the respondents and submitted that the third respondent may be directed to consider the petitioners' representations and till such time, the second respondent may be directed to keep one post of Driver against SC Community and one post of Driver against MBC Community respectively in Tirupattur District as vacant.

5. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the third respondent to consider the petitioners' representations dated 22.01.2016 and 28.01.2016 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and the second respondent is directed keep one post of Driver against SC Community and one post of Driver against MBC Community respectively in Tirupattur District as vacant till the disposal of the representations of the petitioners by the third respondent.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Rj

To

- 1 The Director of Public Health & Preventive Medicines
Chennai-6
- 2 The Deputy Director of Health Services
Tirupattur, Vellore District
- 3 The Secretary to Government
Health & Family Welfare Department
Secretariat
Chennai-9

+1 cc to Government Pleader sr.9366
+2 ccs to Mr.M.Ravi Advocate sr.9421, 9418

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