

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.6717 & 6718 of 2016

R.A.Ahamed Sheriff .. Petitioner in W.P.No.6717 of 2016
C.Karunakaran .. Petitioner in W.P.No.6718 of 2016

-vs-

1. The State of Tamil Nadu represented by
its Principal Secretary to Government
Health & Family Welfare Department
Chennai 600 009
2. The Director of Medical Education
No.162, EVR Periyar Salai
Kilpauk
Chennai 600 010
3. The Director of Medical and
Rural Health Services
Teynampet
Chennai 600 018
4. The Member Secretary
Medical Services Recruitment Board (MRB)
7th Floor, DMS Building
No.359, Anna Salai
Teynampet
Chennai 600 006 .. Respondents 1 to 4 in both
the W.P's
5. The Dean/Principal
Government Stanley Medical College Hospital
Chennai 600 001 ... 5th Respondent in W.P.No.6717
of 2016
6. The Dean/Principal
Vellore Government Medical College Hospital
Vellore Post & District 632 011 .. 5th Respondent in
W.P.No.6718 of 2016

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the respondents to post the petitioners as Audio Metricians by transfer of service as per recommendations made by the second respondent in Proceedings O.Mu.No.25435/Ni5/2/2015 dated 17.04.2015 and consequential letter issued by the fourth respondent in O.Mu.No.775/MRB/Ni3/2015 dated 08.07.2015 and to pass appropriate orders within a stipulated time as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.M.Saravanakumar

For Respondents :: Mr.S.Gunasekaran
Government Advocate

ORDER

The petitioners, Mr.R.A.Ahamed Sheriff & Mr.C.Karunakaran, who were selected for admission to the Certificate course of Audiometry Technician in 2012-13 under the service quota by the Board of Para Medical Education, King Institute of Preventive Medicine and Research, Guindy, had completed the one year training at Stanley Medical College and Madras Medical College respectively in Audiometry Technician course. Thereafter, they have given representations through proper channel with a request that they may be accommodated in any of the Audiometrician vacant posts in the Medical Department, on the ground that they are the senior most persons working in the cadre of Hospital Worker and also fully eligible to hold the post of Audiometrician. One of such representations given by Mr.R.A.Ahamed Sheriff was also forwarded by the Dean/Principal of Stanley Medical College & Hospital to the second respondent for necessary orders. On receipt of such proposal, the second respondent also, in his proceedings dated 17.4.2015, sent a reply directing the Dean/Principal of Stanley Medical College to get a No Objection Certificate from the fourth respondent for such posting. When the Dean/Principal of Stanley Medical College & Hospital made such a request, the Member Secretary, Medical Services Recruitment Board, the fourth respondent herein replied in his proceedings dated 8.7.2015 that for transfer of service by way of promotion, the appointing authority need not get any permission from the Medical Services Recruitment Board to post the Hospital Worker as Audiometrician under their control. In spite of the above clarification, the respondents have not posted the petitioners as Audiometricians in the Stanley Medical College & Hospital and Vellore Government Medical College & Hospital respectively. Therefore, they have come to this Court.

2. Heard the learned counsel for the petitioners. Mr.S.Gunasekaran, learned Government Advocate takes notice on behalf of the respondents.

3. Considering the limited prayer made by the petitioners and also taking note of the reply given by the fourth respondent, namely, the Member Secretary, Medical Services Recruitment Board dated 8.7.2015 that for transfer of service by way of promotion, the appointing authority need not get any permission from the Medical Services Recruitment Board for accommodating anybody like the petitioners in the post of Audiometrician, this Court is inclined to direct both the second respondent/approving authority and the respective fifth respondent/appointing authority to consider the representations of the petitioners for accommodating them in the post of Audiometrician in the Government Stanley Medical College & Hospital and in the Vellore Government Medical College & Hospital on merit and pass appropriate orders expeditiously, since the petitioners are working in the cadre of Hospital Workers from the year 2007. The writ petitions are disposed of accordingly. Consequently, W.M.P.Nos.5982 & 5983 of 2016 are closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ss
To

1. The Principal Secretary to Government
Health & Family Welfare Department
Chennai 600 009

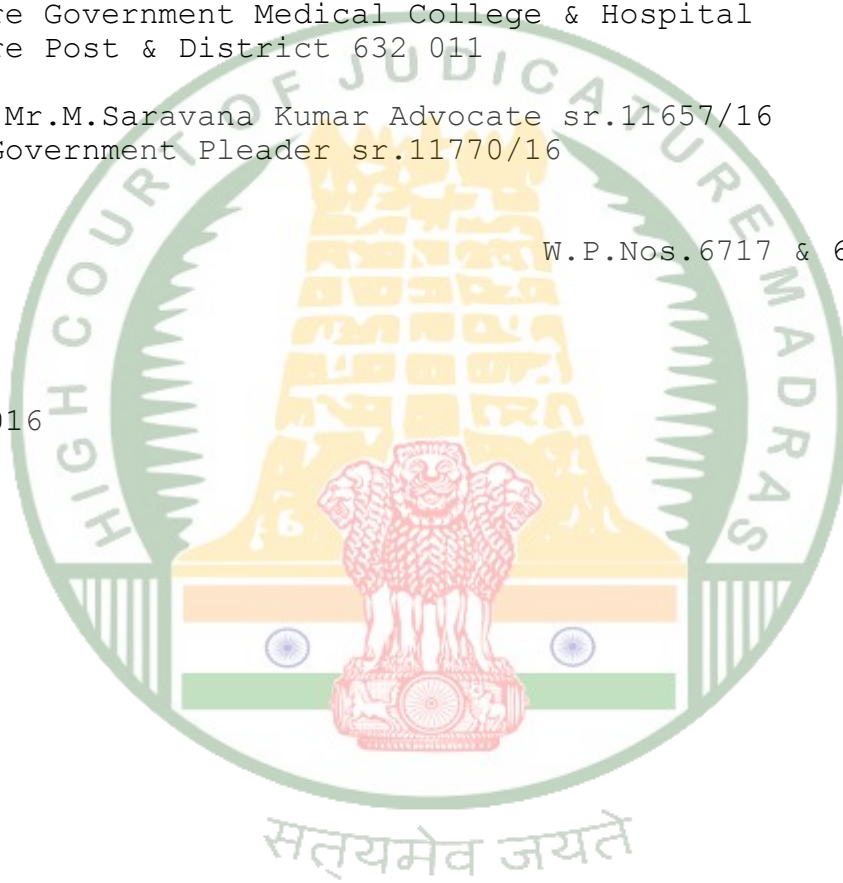
2. The Director of Medical Education
No.162, EVR Periyar Salai
Kilpauk
Chennai 600 010

3. The Director of Medical and
Rural Health Services
Teynampet
Chennai 600 018

4. The Member Secretary
Medical Services Recruitment Board (MRB)
7th Floor, DMS Building
No.359, Anna Salai
Teynampet
Chennai 600 006
 5. The Dean/Principal
Government Stanley Medical College Hospital
Chennai 600 001
 6. The Dean/Principal
Vellore Government Medical College & Hospital
Vellore Post & District 632 011
- +2 ccs to Mr.M.Saravana Kumar Advocate sr.11657/16
+1 cc to Government Pleader sr.11770/16

W.P.Nos.6717 & 6718 of 2016

aa24/03/2016



WEB COPY