

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.7862 of 2016

- 1.Dr.R.Jegan Murugan
- 2.Dr.K.Amilthan
- 3.Dr.D.Devi
- 4.Dr.B.Elavazhagan
- 5.Dr.S.Jeff Redleene
- 6.Dr.P.S.Arun
- 7.Dr.G.Suresh
- 8.Dr.M.Yogambal
- 9.Dr.S.Anbuselvi
- 10.Dr.D.Archana

... Petitioners

-vs-

- 1.The State of Tamil Nadu rep. by
The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-9.
- 2.The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai-600 010.
- 3.The Director of Public Health and
Preventive Medicine,
DMS Compound, Teynampet,
Chennai 600 018.
- 4.The Director of Medical and
Rural Health Services,
DMS Compound, Teynampet,
Chennai 600 018.
- 5.The Chairman,
The Medical Services Recruitment Board,
359, Anna Salai, Rostrevor Garden,
Teynampet, Chennai-6.
- 6.The Chairman,
The Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to issue appropriate Government Orders enabling the TNPSC/MRB to conduct special qualifying examination within one month so as to enable the petitioners to appear and get selected to get their services regularised from the date of the petitioners' initial appointment and further direction to conduct Special Qualifying Examination every year during 1st week of January by passing orders on the representation dated 31.12.2015.

For petitioners : Mr.M.Justin

For respondents : Mr.R.Vijayakumar,
Additional Government Pleader

ORDER

The writ petition has been filed by the petitioners, who are all Doctors, appointed under 10(a)(i) of Tamil Nadu State and Subordinate Service Rules, on various dates, seeking a direction to the first respondent to issue appropriate Government Orders enabling the TNPSC/MRB to conduct special qualifying examination within one month so as to enable them to appear and get selected to get their services regularised from the date of their initial appointment and to conduct Special Qualifying Examination every year during 1st week of January by passing orders on the representation dated 31.12.2015.

2.The case of the petitioners is that they were all appointed on temporary basis as Tutors/Junior Residents/Senior Residents/Assistant Professors/Assistant Surgeon in various medical colleges and hospitals under the control of respondents 2, 3 and 4, as per 10(a)(i) of Tamil Nadu State and Subordinate Service Rules. However, the respondents are bound to regularise their services, after completion of two years, by conducting special qualifying examination. Due to which the petitioners have given representation dated 31.12.2015 to regularise their services. But, till date the same has not been considered. Therefore, they are before this Court.

3.Learned counsel appearing for the petitioners would submit that as the petitioners were all appointed under 10(a)(i) of Tamil Nadu State and Subordinate Service Rules, the respondents are duty bound to regularise their services, by conducting special qualifying examination. Learned counsel for the petitioners would further submit that the delay in conducting special qualifying examination, will affect all the temporary medical officers, since their promotion chances and seniority will be pushed back.

4.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for respondents.

5.This Court finds much force in the submission made by the learned counsel for the petitioners. As the petitioners are asking for conducting special qualifying examination, which is a pre-condition for regularising their services, this Court directs the first respondent to consider their representation dated 31.12.2015 and pass appropriate orders, on merits and in accordance with law, within a reasonable time.

6.With the above direction, the Writ Petition is disposed of. No costs.
vga

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

- 1.The State of Tamil Nadu rep. by
The Principal Secretary to Government,
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- 2.The Director of Medical Education,
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- 4.The Director of Medical and
Rural Health Services,
DMS Compound, Teynampet,
Chennai 600 018.
- 5.The Chairman,
The Medical Services Recruitment Board,
359, Anna Salai, Rostrevor Garden,
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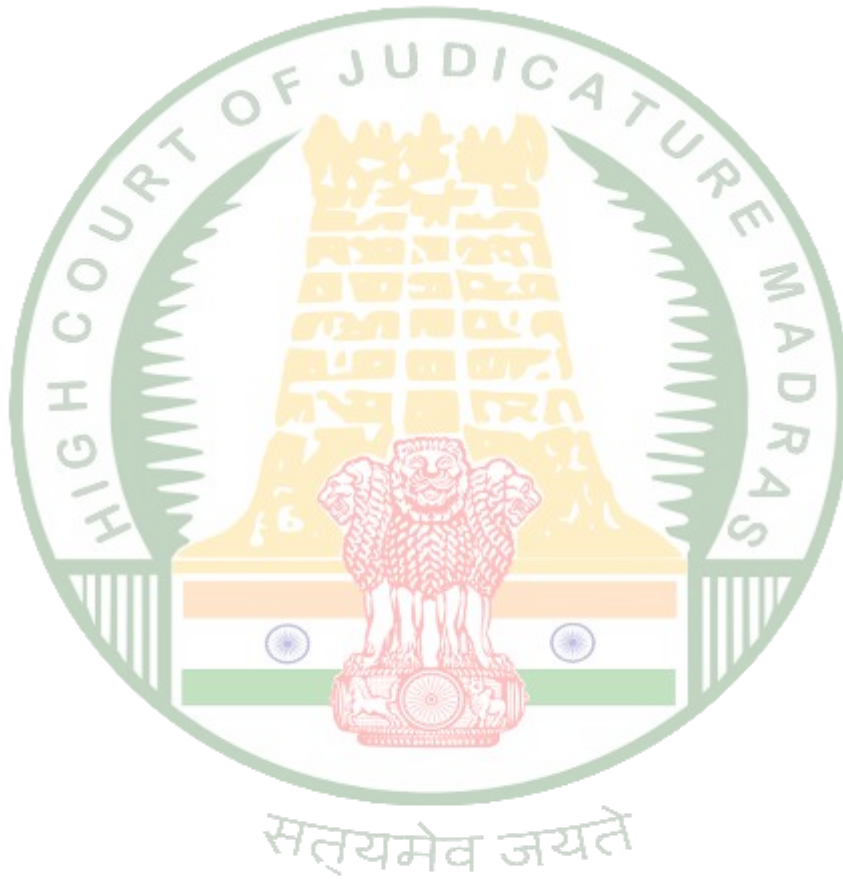
6.The Chairman,
The Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-600 003.

+ 1 cc to Govt.Pleder SR 14017

+ 2 ccs to Mr.G.Justin, Advocate SR 13578

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