



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Thursday, the Eighteenth day of July Two Thousand and Nineteen

PRESENT

The Hon'ble Mr. Justice. D. KRISHNAKUMAR

WEB COPY

WP(MD).Nos.2743, 530, 1174 of 2016 and 9921 of 2014

P.Jeyakumar ...Petitioner in WP(MD).Nos.2743 of 2016
and 9921 of 2014

Rajadurai ... Petitioner in WP(MD).No.530 of 2016

Anand ...Petitioner in WP(MD).No.1174 of 2016

- Vs. -

The Secretary,
Department of Health and Family Welfare,
Fort St. George, Chennai.

...1st Respondent in All Cases

The Director of Public Health and Preventive Medicine,
Chepauk, Chennai.

... 2nd Respondent in WP(MD).No.2743 of 2016
and 9921 of 2014

... 3rd Respondent in WP(MD).Nos.530 and 1174 of 2016

The Deputy Director of Medical and Rural Health Service and Family
Welfare, Nagercoil, Kanyakumari District.

... 4rd Respondent in WP(MD).Nos.530 and 1174 of 2016

The Director, Family Welfare Department, Chennai-6.

... 2nd Respondent in WP(MD).Nos.530 and 1174 of 2016

The Deputy Director of Health Service,
Nagercoil, Kanyakumari,

...3rd Respondent in WP(MD)No.2743 of 2016 &
WP(MD)No.9921 of 2014

Prayer in WP(MD).No.2743 of 2016 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Mandamus directing the respondents to appoint the petitioner as
driver under the 3rd respondent by considering the order of this
Honourable Court in W.P.No.11924 of 2011 dated 13.12.2013 as well
as 7852/15, W.P.No.7855 of 2015 dated 06.05.2015.



Prayer in WP(MD).No.530 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection order in Na.Ka.No.1067/Ku.Na/A2/2015 dated 19.08.2015 passed by the 4th respondent and quash the same and consequently directing the respondents to appoint the petitioner for the post of driver at Medical Department.

Prayer in WP(MD).No.1174 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records pertaining to the impugned rejection order in Na.Ka.No.1067/Ku.Na/A2/2015 dated 19.08.2015 passed by the 4th respondent and quash the same and consequently directing the respondents to appoint the petitioner for the post of driver at Medical Department.

Prayer in WP(MD).No.9921 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or order or direction in the nature of writ calling for records in the impugned order passed by the 2nd Respondent in Na.ka. No. 70869/Aaka Ni. 7/A3/2013-14 dated 18.03.2014 and quash the same, consequently direct the respondent to absorb the petitioner by giving preference in regular employment as driver in Government Health, centre kanyakumari district by considering the qualification, past service and experience .

ORDER:

Writ Petitions are coming on for hearing on this day, upon perusing the affidavit and material papers filed, and upon hearing the arguments of Mr.A.JOHN STEPHEN, Advocate for the Petitioner in All cases, this Court made the following order:

According to the petitioners the impugned orders have been challenged on the ground that the drivers are being appointed only by the Department, not by the Medical Recruitment Board. Therefore, the respondent has not passed an order inconsonance with the earlier order passed by this Court. It is surprised that how the impugned orders have been passed stating that all the recruitments are being done by the Medical Services Recruitment Board. It is also placed before this Court by the petitioners that the selection and appointment of the drivers should have been done by the Department, not by the Medical Recruitment Board. Therefore, the Deputy Director of Medical and Rural Health Service and Family Welfare, Nagercoil, Kanyakumari District is directed to appear before this Court and explain whether the said order is



sustainable or not.

Post on 30.07.2019.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1 THE SECRETARY TO GOVERNMENT OF TAMIL NADU, DEPARTMENT OF HEALTH AND FAMILY WELFARE, FORT ST. GEORGE, CHENNAI.
- 2 THE DIRECTOR OF PUBLIC HEALTH AND PREVENTIVE MEDICINE, CHEPAUK, CHENNAI.
- 3 THE DEPUTY DIRECOR OF HEALTH, SERVICE, NAGERCOIL, KANYAKUMARI.
- 4 THE DIRECTOR, FAMILY WELFARE DEPARTMENT, CHENNAI-6.
- 5 THE DEPUTY DIRECTOR OF MEDICAL AND RURAL HEALTH SERVICE AND FAMILY WELFARE, NAGERCOIL, KANNIYAKUMARI DISTRICT.

ORDER DATED : 18/07/2019

HEARING DATE : 30/07/2019

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ORDER
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WP(MD) .Nos.2743, 530, 1174 of 2016
and 9921 of 2014

NS(CO)

TR (26.07.2019) 3P 6C