



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11825 of 2016

S.Ulaganathan

...Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai.

2.The Director of Public Health and
Preventive Medicine,
Teynampet, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, to direct the second respondent herein to consider the petitioner's representation dated 16.06.2016 to prepare and publish panel list for the promotion of health educators for the year 2016-2017.

For Petitioner : Mr.D.Selvaraj

For Respondents : Mr.R.Anandha Raj
Government Advocate

ORDER

The petitioner S.Ulaganathan, was appointed as a leprosy Inspector, and now working as non-medical supervisor in the National Leprosy Eradication Programme (NLEP) under the control of the Director of Medical and Rural Health Services in the Health and Family Welfare Department. Non-medical supervisor is the feeder category to the post of Health Educator. Now, the petitioner has come to this Court seeking mandamus, to direct the Director of Public Health and Preventive Medicine/second respondent, herein to consider his representation dated 16.06.2016 to prepare and publish a panel list for the promotion of Health Educator for the panel year 2016-2017.

2. Mr.D.Selvaraj, learned counsel appearing for the petitioner would submit that as the petitioner is going to retire from



service on 31.03.2017, in the meanwhile, if the petitioner is not promoted to the post of Health Educator, he may not get the benefits of the promotional post, therefore, he sought for a direction.

3. Mr.R.Anandha Raj, learned Government Advocate, who was put on notice, would submit that the issue sought for in the present writ petition has already been extensively considered by this Court by order dated 01.03.2016 in a batch of writ petitions and the direction given therein clearly shows that the case of the petitioner is also squarely covered. Further, it is relevant to extract para 22 and 23 in the above said batch;

"22. Before concluding, I am of the view that now after the complete merger of Health Inspectors Grade-IB and Health Inspectors Grade-IA as Health Inspectors Grade-I with effect from 27.06.1997, the channel of promotion to all the Health Inspectors Grade-I shall be one and the same hereinafter. Therefore, there cannot be any separate channel of promotion to Health Inspectors Grade-I, either promoted from the post of Health Inspectors Grade-IA or promoted from the post of Health Inspectors Grade-IB, and there is no distinction between Health Inspectors Grade- IA and Health Inspectors Grade-IB after merger, pursuant to the judgment of this Court as well as the Apex Court. The Government shall make this aspect clear.

23. In the result, I am not inclined to interfere with G.O.Ms.No.347, Health and Family Welfare Department, dated 29.10.2014 and at the same time, as stated above, a direction is issued to the official respondents to permit the senior Health Inspectors Grade-I, who are also serving as Block Health Supervisors, to exercise option to come to the post of Non Medical Supervisors and to undergo training for one month of being posted as Non Medical Supervisors from Block Health Supervisors or to continue in the post of Block Health Supervisor. The official respondents are also directed to issue appropriate proceedings within a period of one month from the date of receipt of a copy of this order for giving option setting deadline, as stated above."

4. In view of the direction already given in the batch of writ petitions stated supra, no more direction is required in the present writ petition. Hence, this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(T&P)



To

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai.

2.The Director of Public Health and
Preventive Medicine, Teynampet, Chennai.

+1 cc to M/s.D.Selvaraj, Advocate in SR.No.35965

+1 cc to The Special Government Pleader in SR.No. 36125

PJL

CSL/AAL-MPA/SAR-III/26.07.2016 : 3P/5C

W.P. (MD) No.11825 of 2016
12.07.2016