



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) Nos.17837 of 2016

S.Selvakumar

... Petitioner

-vs-

1.The Principal Secretary to Government,
Health and Family Welfare (B2) Department,
Fort St.George,
Chennai - 09.

2.The Director of Medical Education,
Chennai - 600 010.

3.The Director of Public Health and
Preventive Medicine,
Chennai - 06.

4.The Tamil Nadu Public Service Commission,
rep.by its Secretary,
Frazer Bridge Road,
V.O.C.Nagar,
Park Town
Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent No.4 to publish the Special TNPSC 2013 withheld result and consequently direct the Respondent No.2 and 3 to grant the continuity of service by maintaining the petitioner as the in-service candidate for the period from 31.07.2012 to 05.01.2016 as service period notionally with all service benefits.

For Petitioner : Mr.S.Louis

For RR - 1 to 3 : Mr.M.Alagadevan
Special Government Pleader

For R - 4 : K.K.Senthil Standing Counsel

**ORDER**

This Writ petition has been filed for the issuance of a writ of mandamus, seeking a direction to the fourth respondent to publish the Special TNPSC 2013 withheld result and consequently direct the respondents 2 and 3 to grant continuity of service by maintaining the petitioner as in-service candidate for the period from 31.07.2012 to 05.01.2016.

2. Heard Mr.S.Louis, learned counsel appearing for the petitioner; Mr.M.Alagadevan, learned Special Government Pleader, who takes notice for the respondents 1 to 3 and Mr.K.K.Senthil, learned counsel who takes notice for the fourth respondent. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. According to the petitioner, he was appointed as an Assistant Surgeon in Tamil Nadu Medical Services in the year 2006. On account of non completion of Post Graduation in MS general surgery, he was not joined duty. Later on, he joined duty as Assistant Surgeon (Speciality) in Government Primary Health Centre, Rajakkamangalam Durai and subsequently transferred to the Kanyakumari Government Medical College. In the meantime, the petitioner has applied for Higher Speciality Entrance Exam and got selected for M.Ch-Urology and he should be relieved and treated as in-service candidate, till the completion of the said course. The petitioner has also applied for the Special Qualifying Examination for Regularization of Temporary Services and written the examination held on 22.09.2013 and result was published on 28.02.2014, but the result of the petitioner was kept in the list of withheld candidates. Therefore, he has given a representation dated 13.04.2014 to allow him to continue as in-service candidate, but the same is pending without consideration. Another representation was given on 27.06.2016 to the respondents to publish the Special TNPSC 2013 "withheld result" and the same has also not been considered by the respondent. Therefore, the petitioner is before this Court by filing the present writ petition.

4. The learned Standing Counsel for the fourth respondent submitted that the petitioner is yet to produce no objection certificate and that is the difficulty faced by the fourth respondent in not publishing the result.

5. Considering the above stated circumstances, the fourth respondent is directed to consider the representation submitted by the petitioner dated 27.06.2016 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. The petitioner is also directed to produce the necessary no objection certificate before the



fourth respondent.

6.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP(MD)No.12867 of 2016 is closed.

WEB COPY

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Health and Family Welfare (B2) Department,
Fort St.George, Chennai - 09.

2.The Director of Medical Education, Chennai - 600 010.

3.The Director of Public Health and Preventive Medicine,
Chennai - 06.

+1 cc to The Special Government Pleader in SR.No. 54686

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No.53996

mj

CSL/PV/09.11.2016: 3p/6c

W.P(MD)No.17837 of 2016