



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.08.2016**

CORAM:

**THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN**

**W.P. (MD) No. 19665 of 2013**

**and**

**M.P. (MD) No. 2 of 2013**

**and**

**W.M.P. (MD) No. 7687 of 2016**

H.Lalithabai : Petitioner  
Vs.

- 1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Health Department,  
Chennai-9.
- 2.The Director of Medical Education,  
Kilpauk, Chennai-10.
- 3.The Principal,  
Kanyakumari Government Medical College,  
Asaripallam, Kanyakumari District.
- 4.The Dean,  
Madurai Medical College,  
Madurai.
- 5.M.Sivakami : Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned transfer order passed by the second respondent in his proceedings in Ref.No.66606/E5/2/2013, dated 25.10.2013 transferring the fifth respondent in the third respondent college and quash the same as illegal and consequently, to direct the second respondent to consider the petitioner for promotion to the post of Lab Technician Gr.I in the third respondent college taking into account of the Station Seniority within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Rengaramanujam  
For Respondents 1to4 : Mr.Aayiram K.Selvakumar,  
Government Advocate  
For Respondent No.5 : Mr.G.Thalaimutharasu

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**ORDER**

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The petitioner challenges the order dated 25 October, 2013, whereby and whereunder, the fifth respondent was promoted to the post of Laboratory Technician Grade-I. I have passed an order on

12 July, 2016, directing the second respondent to take immediate action to revive the post. The order reads thus:

The petitioner could not be promoted to the post of Laboratory Technical Grade-I on account of the transfer and posting of the fifth respondent. The petitioner challenges the order dated 25 October, 2013, whereby and whereunder, posting was given to the fifth respondent as Laboratory Technician Grade-I in Kanyakumari Government Medical College, Kanyakumari.

2. The Dean, Kanyakumari Government Medical College, in his counter-affidavit, submitted that the petitioner could be accommodated after reviving the lapsed post of Laboratory Technician Grade-I.

3. The counter-affidavit filed by the Dean makes it very clear that the case of the petitioner would be considered immediately after reviving the lapsed post of Laboratory Technician Grade-I.

4. The counter-affidavit was filed as early as on 10 July, 2014. There is nothing on record to indicate as to what has happened thereafter for revival of lapsed post. Under such circumstances, I am of the view that an interim order should be passed directing the second respondent to take steps to revive the lapsed post.

5. There shall be a direction to the second respondent to take immediate steps to revive the lapsed post of Laboratory Technician Grade-I in Kanyakumari Government Medical College, Kanyakumari, so as to consider the claim of the petitioner for promotion. Necessary orders regarding revival shall be passed as expeditiously as possible and in any case, within a period of four weeks from the date of receipt of a copy of this order.

6. Post on 08 August, 2016."

2. When the Writ Petition was taken up for further hearing today, the learned counsel for the petitioner produced a copy of the order dated 10 August, 2016, whereby and whereunder, the petitioner was promoted to the post of Laboratory Technician Grade-I with effect from the date of taking charge. In view of the said order, nothing survives for adjudication in this Writ Petition.

3. The Writ Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/TRUE COPY/



To

1. The Secretary to Government,  
State of Tamil Nadu,  
Health Department,  
Chennai-9.
2. The Director of Medical Education,  
Kilpauk, Chennai-10.
3. The Principal,  
Kanyakumari Government Medical College,  
Asaripallam, Kanyakumari District.
4. The Dean,  
Madurai Medical College,  
Madurai.

+1cc to M/S.G.THALAIMUTHARASU, ADVOCATE, SR NO: 45491  
+1cc to M/S.R.RENGARAMANUJAM, ADVOCATE, SR NO: 44809  
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 45375  
SML  
JA-PV-26.08.2016-3P: 8C

Order made in  
W.P. (MD) No.19665 of 2013  
Dated:  
16.08.2016