

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5059/2017

Mrs.N.Meena

..

Petitioner

Vs.

1.The Secretary to Government
Department of Health & Family
Welfare Department, Chennai.

2.The Commissioner of Food Safety
and Drug Administration,
Chennai-6.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to consider and appoint the petitioner as Micro Biologist in the Department of Food Safety and Drug Administration, pursuant to the sanction of posts and in the light of the representation dated 21.09.2016 made by the petitioner.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.R.A.S.Senthilvel, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner claims that she had completed M.Sc., [Micro Biology] and was working in Chettinad Medical University as Micro Biologist for nearly seven years and in pursuant to the Advertisement released by the Tamil Nadu Public Service Commission [TNPSC] on 27.12.2009, she had applied for the post of Micro Biologist. The preliminary examination was held during June 2010 and she was successful and subsequently, she was called for an oral interview during February 2012. The petitioner would aver that three candidates were selected and the petitioner along with one Ms.Bindu was placed in the Reserved List. The petitioner

would further aver that as per G.O.Ms.No.347 of the 1st respondent Department dated 22.12.2011 in terms of Food Safety and Standards Act, 2006, a separate Commissionerate of Food Safety and Drug Administration, came into being and five new posts of Micro Biologist were also sanctioned and the Government thought fit to utilise the services of the Reserved candidates who were successful in the written examination as well as in the oral interview conducted by TNPSC and accordingly, the 2nd respondent vide order dated 15.09.2015, has appointed Ms.Bindu as well as the petitioner as Micro Biologists temporarily under Rule 10[a][1] of the General Rule of the Tamil Nadu State and Subordinate Service Rules, for a period of one year. The petitioner was posted to Food Analysis Laboratory, in Thanjavur and subsequently, the Food Analyst, Thanjavur, vide communication dated 20.09.2016, addressed to the 2nd respondent has informed the said official that the petitioner has been relieved from the post of Micro Biologist on 20.06.2016 and also marked a copy of the proceedings to the petitioner.

3 The grievance expressed by the petitioner is that she has undergone regular selection process and was kept in Reserved List and in the light of the vacancies available, she should have been accommodated permanently and in this regard, the petitioner has also submitted a detailed representation dated 21.09.2016 to the 1st respondent followed by a reminder representation dated 08.02.2017 and despite the receipt and acknowledgment, no orders have been passed and therefore, the petitioner came forward to file the present writ petition.

4 Heard the submissions of the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the respondents 1 and 2 along with a copy of this order passed in this writ petition as well as copies of the earlier representations within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 1 and 2 are directed to consider the said representation on merits and in accordance with law and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

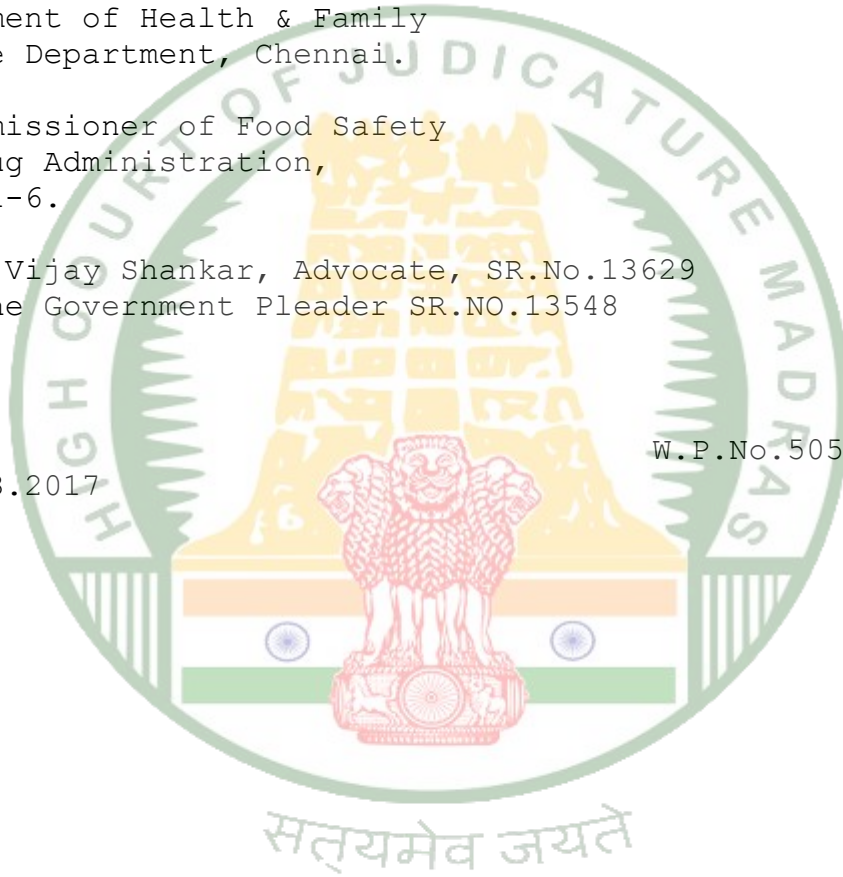
1.The Secretary to Government
Department of Health & Family
Welfare Department, Chennai.

2.The Commissioner of Food Safety
and Drug Administration,
Chennai-6.

+1cc to V.Vijay Shankar, Advocate, SR.No.13629
+1cc to the Government Pleader SR.NO.13548

SDR 15.03.2017

W.P.No.5059 of 2017



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