

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.4646/2017 & WMP.No.4899/2017

S.Seetha

...Petitioner

Versus

- 1 The Principal Secretary
to Government, Health and Family Welfare
Department, Fort St. George,
Chennai- 600 009.
 - 2 The Secretary
Selection Committee, Director of Medical
Education, No.102, Periyar E.V.R. Road
Kilpauk, Chennai- 600 010.
 - 3 The Assistant Director
Office of the District Employment Exchange
Villupuram District.
- ...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the Respondents to dispose of the petitioner's representation dated 05.01.2017.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents: Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner claims that she belongs to Scheduled Caste community and she has also completed Clinical Nursing Assistant Course conducted by the Tamil Nadu Adi Dravidar Housing and Development Corporation Limited [TAHDCO] and on the strength of the said Certificate, she was appointed as Female Nursing Assistant by private agencies between 29.11.2004 and 17.11.2011 and she has also served in Chinna Salem Primary Health Centre and was paid a sum of Rs.990/- by

way of monthly salary. The petitioner would further claim that she had also served in Thotiyam Primary Health Centre as Female Nursing Assistant from 18.11.2011 onwards and she was under the bona fide impression that her services will be regularised as done by the Government in case of Laboratory Assistants, Dark Room Assistants, vide G.O.Ms.No.320 of the 1st respondent dated 01.12.2006. The petitioner had also participated in the selection process for the post of Assistant during the year 2012 and later one, she was informed that since she had completed the course through TAHDCO, she is not eligible to be sent for Nursing Assistant Training and in the interregnum, she was prevented from service on 15.12.2012 and she made a challenge to the said order by filing WP.No.31103/2012 and obtained an order of ad-interim injunction. The grievance now expressed by the petitioner is that in the light of G.O.Ms.No.44, Labour and Employment [T2] Department, dated 11.03.2015, wherein a direction was given, inviting applications from open market apart from sponsor through the Employment Exchange, the petitioner is eligible to be considered and she has become age barred and she has also made a request in the form of representation dated 05.01.2017 praying for her accommodation and also with a request to relaxation of necessary qualification with regard to Axillary Mid-wife and also registration in the Nursing Council and since no response is forthcoming, the petitioner came forward to file the present writ petition.

3 Mr.S.Ilamvaludhi, learned counsel for the petitioner would submit that though the petitioner had obtained interim orders in WP.No.31103/2012, as on today, the petitioner is in out of service and in the light of the fact that she belongs to Scheduled Caste community and also had enough experience in the relevant field, her request may be sympathetically considered and prays for appropriate orders.

4 Per contra, Mr.K.Dhananjayan, learned Special Government Pleader, appearing for the respondents would submit that the petitioner, under the guise of representation, prays for relaxation of the essential qualification and the same is impermissible in law.

5 This Court has considered the rival submissions and also perused the typed set of documents placed before it.

6 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 her, either in her representation or in this writ petition, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 05.01.2017 on merits and

in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The Principal Secretary
to Government, Health and Family Welfare
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Chennai- 600 009.
- 2 The Secretary
Selection Committee, Director of Medical
Education, No.102, Periyar E.V.R. Road
Kilpauk, Chennai- 600 010.
- 3 The Assistant Director
Office of the District Employment Exchange
Villupuram District.

+1cc to Mr.Ilamvaudhi, Advocate, S.R.No.12564

+1cc to the Government Pleader, S.R.No.13052

SV(CO)

RS(13/03/2017)

WP.No.4646/2017

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