

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29589 of 2013

and

M.P.No.1 of 2013

K.Rajaramamoorthy

..Petitioner

vs

1.Medical Services Recruitment Board(MRB)  
Represented by its Member-Secretary,  
359, Anna Salai, Teynampet,  
Chennai - 600 006.

2.The Assistant Director,  
District Employment Exchange,  
Salem.

3.Government of Tamil Nadu,  
represented by Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents herein to consider the claim of the Petitioner to construe the 01.03.1995 as the date of renewal of the Employment Exchange Registration of the Petitioner at District Employment Exchange, Salem, and by condoning the break in renewal, to determine the petitioner's seniority in Employment Exchange Registration Seniority with reference to the original date of his registration in the Employment Exchange, i.e. year 1989 and consequently to appoint him as Pharmacist in accordance with such seniority and his communal turn, with effect from the date of appointment of his immediate junior, with only notional benefits.

For Petitioner : Mr.Ali Hussain Khan  
For M/s.M.Ravi

For Respondents : Mr.A.Vivek for R1  
Mrs.K.Bhuvaneswari  
Government Advocate R2, R3

## O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the claim of the petitioner to consider the date of 01.03.1995 for renewal of the Employment Exchange Registration of the Petitioner at District Employment Exchange, Salem, by condoning the break in renewal, to determine the seniority of the petitioner's in the Employment Exchange Registration Seniority.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner has passed X Standard (SSLC) and thereafter, he has completed the Diploma Course in Pharmacy in March 1988 and thereafter registered his name in the Tamil Nadu Pharmacy Council, Chennai, vide Pharmacist Registration Certificate No.10163/A2 dated 25.11.1988. The petitioner claims that he has originally registered his name in the District Employment Exchange, Salem in the year 1989 and thereafter he has misplaced the original Employment Exchange Registration Card. Thus, the petitioner was unable to renew the Employment Registration during the year 1992. In spite of repeated representations, the respondents have not renewed his registration.

3.With these grievances, the writ petitioner has made a representation by stating that his Employment Registration has to be renewed retrospectively with effect from 1995 and by virtue of that seniority, his name should be considered as appointment for the post of Pharmacist in the Tamil Nadu Medical Services.

4.The Employment Registration was originally done by the writ petitioner in the year 1988 and admittedly, the petitioner had not renewed the Employment Registration till 1992. The writ petitioner made a representation which was not considered. However, in respect of the Employment Registration with effect from 01.03.1995, the writ petitioner has moved this writ petition only on October 2013, after a lapse of twenty years from the date of expiry of the Registration.

5.At the outset, the writ petitioner registered his name in the District Employment Exchange on 25.11.1988 and thereafter, failed to renew the Registration till the year 1992 and now, he claims that the Registration Seniority has to be considered from the year 1995. However, the writ petition deserves to be dismissed on the ground of laches also.

6.The learned Government Advocate appearing on behalf of the 2<sup>nd</sup> and 3<sup>rd</sup> respondent states that recruitment rules for the post

of Pharmacist has undergone a challenge and the persons have to be appointed only through open competitive process by adopting the service rules in force. The post of Pharmacist cannot be filled up through the Employment Exchange and therefore, the prayer as such sought for in this writ petition cannot be granted.

7.This Court is of the opinion that there is an enormous delay on the part of the writ petitioner even to claim the retrospective renewal of employment seniority. This apart, the recruitment rules in respect of the Pharmacist have been changed by the Government and now the petitioner has to participate in the open competitive process and get selected. Under these circumstances, the relief of retrospective restoration of his employment seniority and appointment to the post of Pharmacist cannot be granted.

8.The learned counsel for the writ petitioner states that his Junior has been appointed in the post of Pharmacist. However, the order of appointment of junior has not been challenged the in the present writ petition. Mere claim on the basis of appointment of the writ petitioner's junior cannot be a ground to grant any direction to appoint the petitioner to the post of Pharmacist, now after a lapse of several months.

9.Thus, no further adjudication is required in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-  
Assistant Registrar

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

To

1.Member-Secretary,  
Medical Services Recruitment Board(MRB)  
359, Anna Salai, Teynampet,  
Chennai - 600 006.

2.The Assistant Director,  
District Employment Exchange,  
Salem.

3. Secretary to Government,  
Government of Tamil Nadu,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.

+1cc to the Government Pleader SR.No.80978  
+1cc to Mr.M.Ravi, Advocate SR.no.80714

W.P.No.29589 of 2013

sm:4.12.2017



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