

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.757 of 2010

ORDER:

None appeared on behalf of the petitioner.

The proceedings, under challenge in this Writ Petition, is the order passed by the 2nd respondent terminating the services of the petitioner as a doctor in their hospital. The 2nd respondent is not an instrumentality of the State within the meaning of Article 12 of the Constitution of India. As such the validity of the proceedings of the 2nd respondent dated 30.11.2009 cannot be examined in writ proceedings under Article 226 of the Constitution of India.

With respect to the petitioner's request to be permitted to participate in the examinations conducted by the National Board of Examinations, it is not known whether the petitioner participated in the examinations pursuant to the interim order passed by this Court on 22.01.2010. Since more than seven years have elapsed, it is evident that the relief sought for in the Writ Petition cannot be granted at this length of time. Suffice it to make it clear that the order now passed by this Court shall not disable the petitioner from acquiring the Diploma qualification, conducted by the National Board of Examinations, in accordance with law.

Subject to the aforesaid observations, the Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:27.10.2017.

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