

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition Nos.3219 of 2018
and WMP No.3951 of 2018

D. Manogaran

.... Petitioner

vs.

1. The Government of Tamil Nadu rep by
its Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009
2. The Director,
Public Health and Preventive Medicine,
DMS Complex,
Chennai - 600 006
3. The Chairman,
Medical Services Recruitment Board,
DMS Complex,
Chennai - 600 006
4. The Director of Employment and Training,
Guindy, Chennai - 600 032

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to consider the petitioner for appointment to the post of Pharmacist in the existing vacancies taking into consideration of his seniority in the registration in the Employment Exchange for the vacancies that arose prior to the amendment of the Rules dated 16.12.2014.

For petitioner : Mr.R. Rengaramanujam

For R.1, R.2 and R.4 : Mr.R.S. Selvam
Govt. Advocate

For R.3 : Mr.A. Vivek
Standing Counsel

ORDER

The petitioner has filed the writ petition seeking to issue a Writ of Mandamus to consider the petitioner for appointment to the post of Pharmacist in the existing vacancies taking into account his seniority in the Employment Exchange for the vacancies that arose prior to the amendment of the Rules dated 16.12.2014.

2. The learned counsel for the petitioner would submit that the petitioner registered his name in the District Employment Exchange on 21.02.1990 with his qualification of SSLC, Higher Secondary and Diploma in Pharmacy, passed in the year 1987. His registration number was kept alive and he also belongs to Backward Community.

3. The Government issued a Notification No.01/MRB/E4/2014 dated 09.01.2014 to fill up 307+16 backlog vacancies of Pharmacist in the Medical Department in the Scale of Pay of Rs.9300-34800 Grade Pay 4200/-. The Director of Employment and Training, Guindy, Chennai-32 has sponsored 1445 candidates for selection as per the Employment Exchange Registration Seniority for the 294 General vacancies. Intimation was also issued to all the 1445 candidates to appear in person with all original certificates for certificate verification on the dates and session mentioned therein. But the name of the petitioner was also shown as Sl.No.881.

4. As there was no communication issued to the petitioner, which has not been received by him, he was not able to make use of that opportunity. Subsequently, he has given representation on 08.04.2014 to the second respondent, but the copy of the representation is not bearing any seal or acknowledgment of his submission. Moreover, the petitioner has not pursued the same.

5. When the vacancies were all filled up, the petitioner cannot come to this Court with an inordinate delay of four years from the date of issuance of Notification No. 01/MRB/E4/2014 dated 09.01.2014. Therefore, the writ petition fails and the same is dismissed. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009
2. The Director,
Public Health and Preventive Medicine,
DMS Complex,
Chennnai - 600 006
3. The Chairman,
Medical Services Recruitment Board,
DMS Complex,
Chennai - 600 006
4. The Director of Employment and Training,
Guindy, Chennai - 600 032

+1cc to Mr.R.Rengaramanujam, Advocate, S.R.No.11330

W.P.No.3219 of 2018

MR (CO)
CS/06/03/18



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