

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1144 of 2018
and

C.M.P.Nos.9164 and 9165 of 2018

1 G.Venkatesan
2 A.Malar Vizhi

Appellants

Versus

1 Two years Diploma Medical
Laboratory Technician Association
Rep. by its Secretary
Mr.N.Nivas Chakravarthy
No.23/-27A Jhansi Rani Street
NH-3 Maraimalai Nagar
Kancheepuram District-603 209.

2 The State of Tamil Nadu
Rep. by its Secretary to Government
Health and Family Welfare Department
Fort St. George Chennai-600 009.

3 The Director of Medical Education
162 EVR Periyar Salai
Kilpauk Chennai-600 010.

4 The Director of Medical and
Rural Health Services
Medical and Rural Health Services
361 DMS Complex
Anna Salai Chennai-600 006.

5 The Director of Public Health
and Preventive Medicine
359 Anna Salai Teynampet Chennai-600 006.

6 The Medical Service Recruitment Board
Rep. by its Chairman
7th Floor DMS Building
359 Anna Salai
Teynampet Chennai-600 006.

7 S.Shanthivinothini
8 M.Valarmathi
9 S.Karthikeyavenkatesan
10 P.Navaladi
11 D.Swaminathan
12 S.Dhanasekaran
13 D.Vetrivel

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.4.2018 passed in WMP.10262/18 IN W.P.No.34118 of 2017 on the file of this court.

PRAYER IN W.P.No.34118 of 2017:

Writ Petition filed Under Article 226 of the Constitution of India praying this court for the issuance of writ of mandamus directing the 5th respondent herein to select only candidates with Diploma in Medical Laboratory Technology (two year course) for the posts of Laboratory Technician Grade II in Government Hospitals and Medical Colleges in the State of Tamil Nadu in terms of G.O.Ms. No.39 dated 5.2.2007 and Tamil Nadu Medical Subordinate Service Rules, by Direct Recruitment pursuant to the Notification No.8/MRB/2016 dated 31.1.2016 issued by the 5th respondent before considering candidates with Certificate in Medical Laboratory Technology (CMLT) for the post of Lab Technician Grade II by recruitment by transfer and consequently forbear the 3rd respondent from appointing candidates working as Lab Technician Grade III with certificate in Medical Laboratory Technology (one year course) by recruitment by transfer the post of Laboratory Technology (Grade-II as long as candidates with diploma in Medical Laboratory technology (two year course are available.

PRAYER IN WMP.10262/2018:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim injunction granted in the above WMP.3734/2018 in WP.34118/2017 order dated 13.02.2018

For appellants : Mr.K.Srinivasamurthy
For R1 : Ms.C.Uma
For RR 2 to 5 : Mr.C.Munusamy,
Special Government Pleader
For R6 : Mr.A.Vivek

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The appellants are aggrieved against the interim order passed by the learned Single Judge in vacating the interim injunction already granted in favour of the appellants and consequently permitting the official respondents to fill up the 524 posts of Lab Technician Grade II through direct recruitment.

3. Prior to such order passed by the learned Single Judge, the appellants had the benefit of interim injunction restraining the official respondents from filling up the said posts as against the interest of the appellants, who was in anticipation of getting such posts by way of recruitment by transfer. Considering the facts and circumstances of the case, this court, by order dated 10.5.2018, had already granted interim stay till 18.6.2018.

4. Now, after having heard the learned counsel for the parties for some time and having perused the materials available on record, we are of the view that in the interest of justice, the main matter needs to be disposed of. In such view of the matter, we request the learned Single Judge to take up the main matters and dispose of the same at the earliest on its merits and in accordance with law after affording opportunity to all the parties concerned. Counter in the main cases shall be filed at the earliest. Further, we are of the view that the order of interim stay granted by this court does not require any interference at this stage. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-iv)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 Two years Diploma Medical
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and Preventive Medicine
359 Anna Salai Teynampet Chennai-600 006.
- 6 The Medical Service Recruitment Board
Rep. by its Chairman
7th Floor DMS Building
359 Anna Salai
Teynampet Chennai-600 006.
- 7 The Section Officer,
Writ Section, High Court, Madras.

+1cc to M/s.Raw & Reddy, Advocate, S.R.No.38845
+1cc to the Government Pleader, S.R.No.39104

W.A.No.1144 of 2018

PA(CO)
TR(19/07/2018)