

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

W.P. No. 27380 of 2008

and

M.P. No.1 of 2008

P.Manjunathan

...Petitioner

Vs

1. The Director,
Public Health and Preventive Medicine,
DMS Complex,
Teynampet,
Chennai - 600 006.

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to forbear the respondent from appointing contractual employees working as Lab Technicians under the Revised National Tuberculosis Control Programme to the newly arisen 337 permanent posts of Lab Technician Grade - III and consequently direct the Respondents to appoint the Petitioner to the said post of Lab-Technician Grade-III.

For Petitioner :M/s.C.Uma

For Respondents :M/s.J.Ramesh (for R1&R2)
Additional Government Pleader

O R D E R

This writ petition has been filed to forbear the respondents from appointing contractual employees working as Lab Technicians under the Revised National Tuberculosis Control Programme to the newly arisen 337 permanent posts of Lab Technician Grade - III and consequently direct the respondents to appoint the Petitioner to the said post of Lab-Technician Grade-III.

2. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the issue involved herein had already been dealt with by this Court in writ petitions, viz., W.P. Nos.10442 and 10495 of 2008 etc., and by order, dated 11.2.2009, the said writ petitions were disposed of by quashing G.O. Ms. No.335, Health and Family Welfare Department, dated 15.10.2008 issued by the first respondent seeking to appoint contract Laboratory Technicians / Laboratory Supervisors working in RNTCP Programme in the existing Lab Technician Grade-III vacancies; the said order was challenged by the Government in W.A. Nos.446 to 461 of 2009 etc., which were dismissed by a Division Bench of this Court, by Judgment, dated 10.12.2009; Aggrieved against the said Judgment, SLP (Civil) No.7431 of 2010 has been preferred by the Government and the same has also been dismissed by the Supreme Court, by order, dated 18.10.2010. Hence, the learned counsel prayed for a similar order in this writ petition as well, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

3. Following the aforesaid orders, this writ petition stands disposed of directing the respondents to consider the petitioner for appointment to the post of Lab-Technician Grade - III, if the petitioner meets all the required eligibility criteria as and when vacancy arises. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

vsi2
To

Sub Assistant Registrar

1. The Director,
Public Health and Preventive Medicine,
DMS Complex,
Teynampet,
Chennai - 600 006.

2. The Secretary to Government,
Health and Family Welfare Department,
Fort. St.George, Chennai - 600 009.

+1 cc to M/s.C.Uma, Advocate, S.R.No.78620
+1 cc to the Government Pleader, S.R.No.80453

W.P. No. 27380 of 2008

KAN(CO)
SSM(24/01/2019).