

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2018
CORAM

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

W.P.No.5690 of 2018
and
W.M.P.Nos.7039 to 7041 of 2018

1.Dr.R.Raveendran
2.Dr.Gopal Krushna Pal
3.Dr.Ashok S Badhe
4.Dr.Abdoul Hamide
5.Dr.Surender Kumar
6.Dr.Sunil K Narayan
All having office at
Jawaharlal Institute of Postgraduate Medical Education & Research
[JIPMER]
Dhanvantri Nagar
Gorimedu, Puducherry - 605 006. Petitioner

Vs.

1.Jawaharlal Institute of Postgraduate Medical Education & Research
Represented by its Director
Dhanvantri Nagar
Gorimedu, Puducherry - 605 006.

2.Dr.D.K.Patro
Deputy Director (Administration)
First Floor, Administration Block
JIPMER, Dhanvantri Nagar
Gorimedu, Puducherry - 605 006.

3.The Union of India
Represented by its Secretary to Government
Ministry of Health & Family Welfare
A Wing, Nirman Bhawan
Maulana Azad Road
New Delhi - 110 011.

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4.Dr.Subhash Chandra Parija
Director
Jawaharlal Institute of Postgraduate Medical Education &
Research
Dhanvantri Nagar
Gorimedu, Puducherry - 605 006.

5.Dr.V.S.Negi
Professor of Medicine
Jawaharlal Institute of Postgraduate Medical Education &
Research
Dhanvantri Nagar
Gorimedu, Puducherry - 605 006.

6.The Search-cum-Selection Committee
Represented by its Chairman
Ministry of Health & Family Welfare
A Wing, Nirman Bhawan
Maulana Azad Road
New Delhi - 110 011.

7.The Screening Committee
Represented by the Member-Secretary
Jawaharlal Institute of Postgraduate Medical Education &
Research
Dhanvantri Nagar
Gorimedu, Puducherry - 605 006. Respondents

Prayer : Petitions filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st and 2nd respondents pertaining to the constitution of the 'Screening Committee' and list of candidates shortlisted for interview for the post of Director of the 1st respondent and the records of the 3rd respondent pertaining to the letter F.No.Z/16013/95/2017-INI.II dated 05.02.2018 and quash the same and consequently direct the 1st and 2nd respondents to call all the candidates satisfying the requirement of the notification dated 18.11.2017 including the petitioners herein for interview by considering publications in all indexing agencies.

For Petitioners : Mr.P.Wilson
Senior Counsel
For Mr.Richardson Wilson

For Respondents : Mr.G.Rajagopalan, ASGI
Asst. by Mr.P.Saravanan [For R3 & R6]
Mr.Satish Parasaran, Senior Counsel
For Mr.M.T.Arunan [For R1]
Mr. Sathish Parasaran, Senior Counsel

for Mr.R.Parthasarathy [For R2]
Mr. Sathish Parasaran, Senior Counsel
for Mr.Prahalad Bhat [For R4]
Mr.R.N.Amarnath [For R5]

O R D E R

The relief sought for in this writ petition is to call for the records of the 1st and 2nd respondents pertaining to the constitution of the 'Screening Committee' and list of candidates shortlisted for interview for the post of Director of the 1st respondent and the records of the 3rd respondent pertaining to the letter F.No.Z/16013/95/2017-INI.II dated 05.02.2018 and quash the same and consequently direct the 1st and 2nd respondents to call all the candidates satisfying the requirement of the notification dated 18.11.2017 including the petitioners herein for interview by considering publications in all indexing agencies.

2.The learned Additional Solicitor General of India, Mr.G.Rajagopalan, made a submission that the writ petition itself is not maintainable in view of the fact that the respondents organization is notified in the list of organizations brought within the purview of the Central Administrative Tribunal (CAT) under the provisions of the Tribunals Act and in serial No.203, the Jawaharlal Institute of Postgraduate Medical Education & Research [JIPMER], Puducherry is notified and therefore, the present writ petition cannot be entertained before this Court as jurisdiction of this court itself is ousted.

3.The learned counsel appearing on behalf of the fifth respondent, Mr.R.N.Amarnath, made a submission that the writ petitioners have erroneously filed the present writ petition and obtained an interim order and stalled the entire selection process and therefore, they shall not be permitted to enjoy the interim order erroneously obtained before this court.

4.However, the learned senior counsel appearing on behalf of the writ petitioner, Sri.P.Wilson, made a submission that the petitioners now preferred to file this case before the Central Administrative Tribunal for redressing their grievances.

5.May that it be, this court is of an opinion that on perusal of the list of organizations brought within the purview of the Central Administrative Tribunal, it is clear that the respondents are already notified under the provisions of the Tribunals Act and therefore, the present writ petition cannot be entertained by this court.

6. Accordingly, the permission sought for to withdraw this writ petition is granted. Hence, this writ petition stands dismissed as withdrawn. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

may

To

1. The Director Jawaharlal Institute of Postgraduate Medical Education & Research
Dhanvantri Nagar
Gorimedu, Puducherry - 605 006.

2. Dr. D. K. Patro
Deputy Director (Administration)
First Floor, Administration Block
JIPMER, Dhanvantri Nagar
Gorimedu, Puducherry - 605 006.

3. The Secretary to Government
Union of India
Ministry of Health & Family Welfare
A Wing, Nirman Bhawan
Maulana Azad Road
New Delhi - 110 011.

4. Dr. Subhash Chandra Parija
Director
Jawaharlal Institute of Postgraduate Medical Education & Research
Dhanvantri Nagar
Gorimedu, Puducherry - 605 006.

5. Dr. V. S. Negi
Professor of Medicine
Jawaharlal Institute of Postgraduate Medical Education & Research
Dhanvantri Nagar
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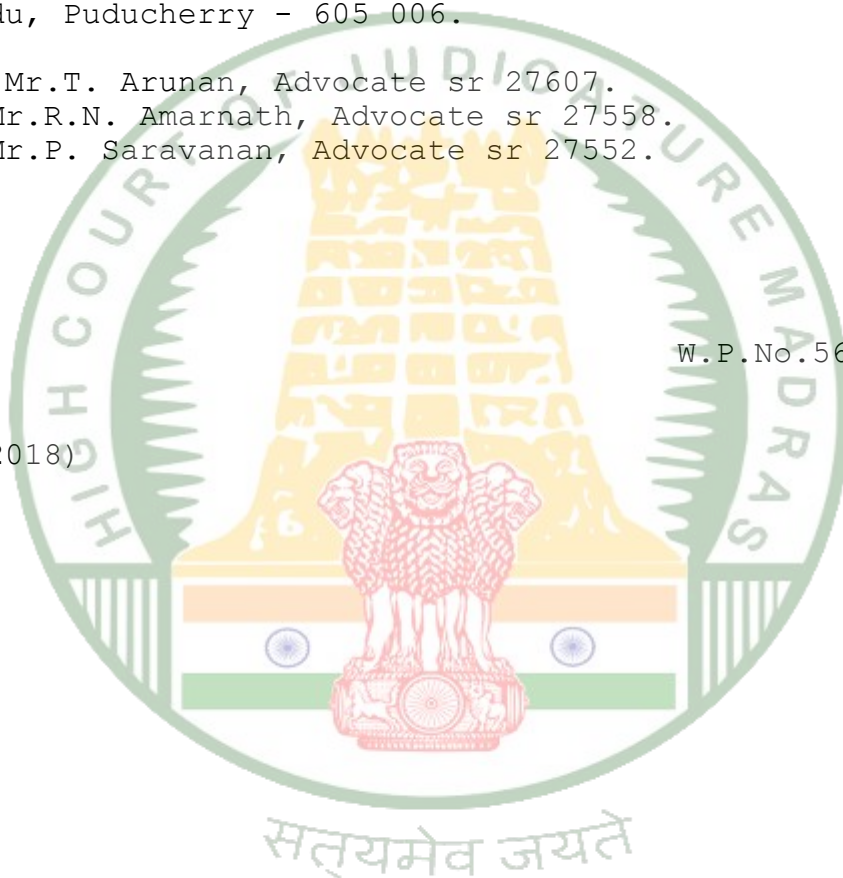
6.The Chairman Search-cum-Selection Committee
Ministry of Health & Family Welfare
A Wing, Nirman Bhawan
Maulana Azad Road
New Delhi - 110 011.

7.The Member-Secretary
The Screening Committee
Jawaharlal Institute of Postgraduate Medical Education &
Research
Dhanvantri Nagar
Gorimedu, Puducherry - 605 006.

+3 Ccs to Mr.T. Arunan, Advocate sr 27607.
+1 CC to Mr.R.N. Amarnath, Advocate sr 27558.
+1 CC to Mr.P. Saravanan, Advocate sr 27552.

W.P.No.5690 of 2018.

KJI (CO)
SP(03/05/2018)



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