

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13287 of 2007

C.Jayanthi,

...Petitioner

Vs.

1.The Director of Public Health and
Preventive Medicine,
Chennai-600 006.

2.The Deputy Director,
Health Service,
No.9-A, Arumugam Layout,
K.K.Nagar,
Villupuram-605 602.

3.The District Employment Officer,
Villupuram,
Villupuram District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent relating to the impugned order dated Nil bearing Ref.R.No.6697/A3/2002 and quash the same and consequently direct the respondents to consider and appoint the petitioner in the post of Pharmacist with effect from the date of appointment of her juniors with all backwages, service and monetary benefits.

For Petitioner : Mr.Sai Krishnan
for M/s.Sai, Bharath & Ilan

For Respondents: Mr.K.Ravikumar,
Additional Government Advocate.

O R D E R

This writ petition has been filed challenging the impugned order dated 04.09.2006, wherein the petitioner was not recommended for the post of Pharmacist in the vacant post, as the employment exchange has not sponsored her name.

2.The case of the petitioner is that the petitioner possesses Diploma in Pharmacy (D.Pharm.,) and had registered with the third respondent Employment Exchange originally at Cuddalore and thereafter transferred to third respondent office after the bifurcation of the erstwhile South Arcot District. Though the petitioner had registered in 1992, only one interview for appointment for the post of Pharmacist was called for the by the third respondent in his proceedings dated 31.03.1995. Therefore, the petitioner was not called for any other interview even though her name continuously remained in the live register of the third respondent. Due to misplacement of the employment card by the employees of the third respondent, even though there were three interviews called for by the employment exchange for the post of Pharmacist and even the juniors to the petitioner were appointed as Pharmacist through employment exchange. However, the petitioner alone was left and not joined in the said post due to non-sponsoring of her name by the employment exchange. The petitioner approached the Tamil Nadu Administrative Tribunal, Chennai by way of O.A.No.4235 of 2002, the Tribunal by an order dated 12.07.2002 directed the second respondent to consider her representation and pass orders with a period of three months from the date of the order. Since no order was passed, the petitioner challenged the same in W.P.No.11611 of 2006 and this Court by an order dated 25.04.2006 has directed the second respondent to comply with the order of the Tribunal within a period of three months from the date of the order. Thereafter, the second respondent passed the impugned order dated 04.09.2002 stating that since the petitioner's name was not sponsored by the employment exchange for selection process, the petitioner was not called for the interview, against which the present Writ Petition.

3.Heard both sides.

4.Though the petitioner has challenged the impugned order in the year 2006, in the absence of any interim order, nothing survives for further adjudication in this aspect for granting relief to the petitioner for appointment to the post of Pharmacist. However, the learned counsel for the petitioner would submit that it would suffice if a direction is issued to the third respondent to sponsor the petitioner's name in the future, if vacancies arise for the post of Pharmacist.

5.In view of the limited prayer sought for, this Court is inclined to issue directions to the third respondent to sponsor petitioner's name in future, if not already sponsored. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm

To

- 1.The Director of Public Health and Preventive Medicine,
Chennai-600 006.
- 2.The Deputy Director,
Health Service,
No.9-A, Arumugam Layout,
K.K.Nagar,
Villupuram-605 602.
- 3.The District Employment Officer,
Villupuram,
Villupuram District.

+lcc to Mr.SAI BHARATH, Advocate, S.R.No. 45936
+lcc to the Government Pleader, S.R.No. 46207

W.P.No.13287 of 2007

SKV(CO)
TR(14/08/2018)

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