

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 1916 OF 2018

1. S.Devarajan
2. K.Elagovan
3. M.Murali Kannan
4. K.Pethan
5. T.Saravanan
6. E.Gobi

.. Petitioners

- Vs -

1. The Prl. Secretary
Health & Family Welfare Department
Chennai 600 009.
2. The Director of Medical
& Rural Health Services
Chennai 600 006.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to give exemption to the petitioners from acquiring Diploma in Radio Diagnosis Technician/Diploma in Radio Therapy Technician courses and further direct the 1st respondent to consider their candidature for promotion to the office of Dark Room Assistants and submit a report on the same to this Hon'ble Court.

For Petitioner : Mr. S.A.Shanmugam

For Respondents : Mr. A.N.Thambidurai, AGP
Special Government Pleader

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ORDER

This writ petition has been filed seeking direction to the 1st respondent to give exemption to the petitioner from acquiring Diploma in Radio Diagnosis Technician/Diploma in Radio Therapy Technician courses and further direct the 1st respondent to consider their candidature for promotion to the post of Dark Room Assistants.

Though the above prayer is made, at the time of hearing, learned counsel for the petitioners restricted his prayer for a direction to the 1st respondent to consider the representation submitted by the petitioner within a particular time frame.

2. It is represented by the learned counsel for the petitioner that already the 2nd respondent, the Director of Medical and Rural Health Services has sent a proposal to the 1st respondent, Principal Secretary to the government, stating that as a special case, the Government may give exemption to the petitioners from acquiring the DRA course in favour of the X-Ray Attendants based on the services rendered by them in the Radiology / X-Ray Department as a one time measure for getting promotion as Dark Room Assistants.

3. A perusal of the materials available on record reveal that for X-Ray Attendants, the prescribed qualification is 10th standard pass. It is the case of the petitioners that they have experience as X-Ray Technician for a period of about 8 years and that the avenue of next promotion is Dark Room Assistants. It is the representation of the petitioners that without insisting upon the diploma certificates in the above courses, experience of the petitioners alone be considered for promotion. Since no orders have been passed on the representation submitted by the petitioners, the present petition has been filed.

4. It is the submission of the learned counsel for the petitioners that since the 2nd respondent has already sent a proposal to the 1st respondent recommending consideration of the petitioners' for promotion, this Court may direct the 1st respondent to consider the representation in the light of the recommendation of the 2nd respondent.

5. Mr. A.N.Thambidurai, learned Addl. Government Pleader takes notice for the respondents and submits that this Court may direct the 1st respondent to consider the representation of the petitioners in the light of the recommendation made by the 2nd respondent.

6. In view of the limited relief sought for, this Court is of the view that it would suffice to direct the 1st respondent to consider the representation submitted by the petitioner, dated 07.06.2017, in the light of the recommendation made by the 2nd respondent dated 17.2.2017 and pass orders thereon within a particular time frame.

7. In the above circumstances, this writ petition is disposed of directing the 1st respondent to consider the representation submitted by the petitioner, dated 07.06.2017, in the light of the recommendation made by the 2nd respondent dated

17.2.2017 and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

GLN

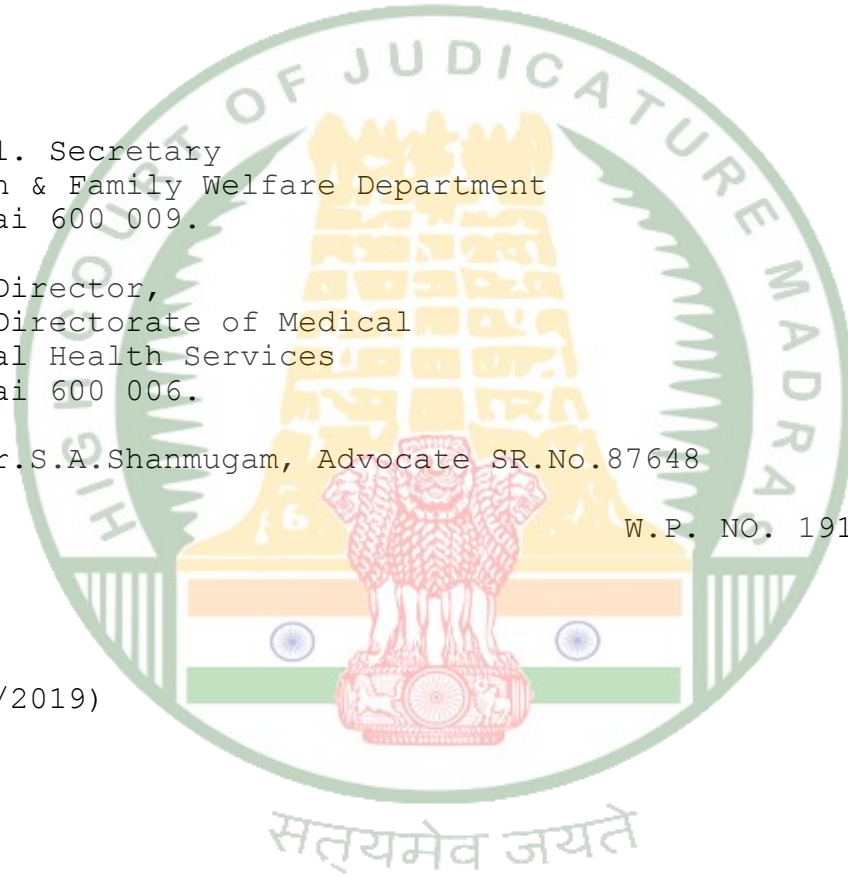
To

1. The Prl. Secretary
Health & Family Welfare Department
Chennai 600 009.
2. The Director,
The Directorate of Medical
& Rural Health Services
Chennai 600 006.

+lcc to Mr.S.A.Shanmugam, Advocate SR.No.87648

W.P. NO. 1916 OF 2018

VG II(CO)
GMY (21/01/2019)



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