

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.04.2018****CORAM:****THE HONOURABLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD) No.9531 of 2018**

Dr.O.Chandran MBBS, MD (General Medicine),
Assistant Surgeon,
Government District Head Quarters Hospital,
Usilampatti, Madurai District.

...Petitioner

-Vs-

1.The Director of Medical and Rural Health Services,
DMS Complex 3rd Floor,
Anna Salai Teynampet,
Chennai-600 006.

2.The Director of Public Health and Preventive Medicine,
DMS Complex 3rd Floor,
Anna Salai Teynampet,
Chennai-600 006.

3.The Joint Director of Health and Rural Services,
Madurai @ Usilampatti,
Madurai District.

..Respondents

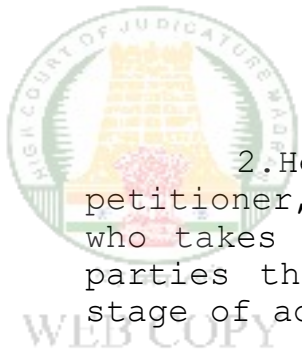
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider and pass order on the petitioner's representation dated 19.02.2018 seeking to regularization of service and also for sanction consequential monetary benefits.

For Petitioners : Mr.E.V.N.Siva

For Respondents : Mr.S.Srimathy
Special Government Pleader

ORDER

The prayer sought for in this Writ Petition is for a writ of Mandamus, to direct the respondents 1 and 2 herein to consider and pass order on the petitioner's representation dated 19.02.2018 seeking to regularization of service and also for sanctioning consequential monetary benefits.



2. Heard Mr.E.V.N.Siva, learned counsel, appearing for the petitioner, and Mr.S.Srimathy, learned Special Government Pleader, who takes notice on behalf of the respondent. By consent of both parties this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Assistant Surgeon (General Medicine) temporarily under Rule 10 (a) (i) of the General Rule for Tamil Nadu State and Subordinate Services, and had been working from 08.08.2008 onwards. Subsequently to regularize the services of the persons like the petitioner, who were appointed similarly on temporary basis, at request of the Government, the Tamil Nadu Public Service Commission conducted a special qualifying examination, in which the petitioner also participated. Thereafter, the TNPSC published the results and a memorandum to that effect, dated 31.12.2010 was issued to the petitioner stating that the petitioner has successfully passed in the qualifying examination. Accordingly, he has been provisionally selected for appointment by direct recruitment to the post of Assistant Surgeon and also passed Departmental Tests during December 2009, in the Tamil Nadu Medical Services. Thereafter, repeated request though had been made by the petitioner, the service of the petitioner has not been regularized by the respondents.

4. The petitioner on 19.02.2018 made the latest representation for the said relief of regularization to the respondents and the same has been forwarded by the third respondent to the first and second respondents on 09.03.2018. However, nothing was forthcoming from the respondents one and two. Therefore, the petitioner is before this Court.

5. I have heard the learned Special Government Pleader appearing for the respondents, who would submit that since the petitioner has become qualified through the competitive examination conducted by Tamil Nadu Public Service Commission, his request dated 19.02.2018 forwarded by the third respondent vide his communication dated 09.03.2018 shall be considered by the respondents one and two and an order to that effect with regard to regularization of service shall be passed within the time frame that may be stipulated by this Court.

6. Considering the said submissions made by the learned counsel appearing on both sides and considering the nature of the case, this Writ Petition is disposed of with the following direction:-

"that the respondents one and two are directed to consider the request of the petitioner dated 19.02.2018 as forwarded by the third respondent vide proceedings dated 09.03.2018 regarding the plea of the petitioner for regularization of his services based on his completion of the



special qualifying examination, 2009 conducted by TNPSC and pass orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

No costs.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

- 1.The Director of Medical and Rural Health Services,
DMS Complex 3rd Floor, Anna Salai Teynampet,
Chennai-600 006.
- 2.The Director of Public Health and Preventive Medicine,
DMS Complex 3rd Floor, Anna Salai Teynampet,
Chennai-600 006.
- 3.The Joint Director of Health and Rural Services,
Madurai @ Usilampatti,
Madurai District.

+1cc to Mr.E.V.N.Siva, Advocate, SR.No.63683.
+1cc to Special Government Pleader, SR.No.64095.

W.P. (MD) No.9531 of 2018
26.04.2018

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RAM/KKR/SAR 2/18.06.2018/3P/6C