



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM :

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .Nos.17772 of 2018

S.Manimegalai

...Petitioner

Vs.

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

2.The Director of Medical Education,
Kilpauk, Chennai-600 010.

3.The Dean,
Kanyakumari Government Medical College,
Asaripallam, Kanyakumari District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent herein to regularize the petitioner's service as Lab Technician Grade II from the date of her appointment namely 09.05.2005 in the post in which she is working before him in the regular time scale of pay by taking into consideration of the order passed to the similarly liked persons on the basis of order passed in W.P.(MD).No.15909 of 2012, dated 09.01.2015 and in the light of the proceedings forwarded by the second respondent herein in O.Mu.No.46235/Ni.4/3/2018 dated 03.07.2018 to the third respondent herein within a time stipulated fixed by this Court.

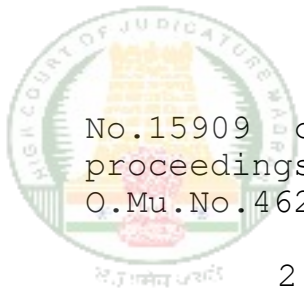
For Petitioner

: Mr.B.Brijesh Kishore

For Respondents

: Mr.R.Sethuraman
Special Government PleaderO R D E R

This Writ Petition has been filed to direct the Dean, Kanyakumari Government Medical College, Asaripallam, Kanyakumari District to regularize the petitioner's service as Lab Technician Grade II from the date of her appointment dated 09.05.2005 in the post in which she is working before him in the regular time scale of pay by taking into consideration of the order passed to the similarly liked persons on the basis of order passed in W.P.(MD).



No.15909 of 2012, dated 09.01.2015 and in the light of the proceedings forwarded by the second respondent herein in O.Mu.No.46235/Ni.4/3/2018 dated 03.07.2018 to the third respondent

2. The case of the petitioner is as follows:-

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i) The petitioner has been appointed as a Lab Technician Grade II in the Kanyakumari Medical College on 09.05.2005 on contract basis and from the date of appointment, she has been working in the same post as on date. The Dean, Kanyakumari Medical College, passed an impugned order vide letter No.4891/N6/2008 dated 21.09.2012 and terminated the petitioner from service.

3. Subsequently, the petitioner had filed a writ petition in W.P.(MD) No.1444 of 2013 against her termination, in which this Court had passed an order of interim injunction and due to the non compliance of the said interim order, a contempt petition in Cont.P. (MD)No.298 of 2013 has been filed and this Court by an order dated 27.06.2013, directed the Dean, Kanyakumari District to permit the petitioner to discharge her duties as Lab Technician till the disposal of W.P.(MD).No.1444 of 2013. On 28.06.2013, the Dean, kanyakumari Government Medical College had issued a proceedings thereby permitting the petitioner to continue in service till the disposal of the main Writ Petition viz., W.P.(MD).No.1444 of 2013 and accordingly she is continuing in service. While being so similarly placed persons like the petitioner were regularized by the Dean, Thoothukudi Medical College on the basis of the order dated 27.09.2017 in the light of the order passed by this Court in W.P.(MD).No.15905 of 2012 dated 09.01.2015. In this regard, the petitioner has given a detailed representation on 26.05.2018 to the respondents requesting her to consider her grievance and also regularize her service as Lab Technician Grade II as per the order passed by this Court in W.P.(MD).No.15909 of 2012, dated 09.01.2015. Accordingly, the second respondent herein sent a proposal to the Dean, Kanyakumari Medical College to take necessary steps with regard to the said representation. Since the said representation did not evoke any response, the petitioner is before this Court, seeking for the above direction.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents, who would submit that the 3rd respondent is prepared to consider the representation forwarded by the 2nd respondent herein and to pass suitable orders thereon in a time bound manner.

5. Considering the facts and circumstances of the case, this Writ Petition is disposed of, with a direction to the third respondent to consider the case of the petitioner and pass appropriate orders thereon on the basis of the proceedings forwarded by the 2nd respondent in O.Mu.No.46235/Ni.4/3/2018 dated 03.07.2018 and also in the light of the order passed by this Court in W.P.(MD). No.15909 of 2012 dated 09.01.2015, if found applicable and if there



are no legal impediments to do so, within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort. St.George, Chennai-600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai-600 010.
- 3.The Dean,
Kanyakumari Government Medical College,
Asaripallam, Kanyakumari District.

+1CC TO Mr.B.Brijesh Kishore Advocate in sr.no.79537.

+1cc to Special Government Pleader in sr.no.79838.

TSG

DS **VR**

/SAR-2:25.09.2018: 3P/6C

W.P. (MD) .No.17772 of 2018
21.08.2018