



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
AND
THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.A. [MD] .No.1295 of 2018

B.Balu

: Appellant

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort.St.George,
Chennai 600 009.
2. The Director of Medical Services & Rural Health,
DMS Campus, Annasalai, Teynampet,
Chennai 600 006.
3. The Director of Public Health,
DMS Campus, Annasalai, Teynampet,
Chennai 600 006.
4. The Director of Medical Education,
Kilpauk, Chennai 600 010.
5. The Chairman,
Medical Services Recruitment Board,
DMS Campus, Annasalai, Teynampet,
Chennai 600 006.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 14.02.2018 made in W.P.(MD).No.2861 of 2018, on the file of this Court.

Prayer in WP(MD)No. 2861 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to give exemption to the petitioner from G.O.Ms.No.401 Health and Family Welfare Department dated 16.12.2014, since he has completed the diploma in Pharmacy in 1992, and to give him appointment on the basis of his employment seniority within the time stipulated by this Honble Court.



For Appellant : Mr.AN.Ramanathan
For respondents 1to4 : Mr.A.K.Baskarapandian
Special Government Pleader
For Respondent No.5 : Mr.T.S.Mohammed Mohideen
Standing Counsel

WEB COPY

JUDGMENT

[**Judgment** of the Court was delivered by **M.M.SUNDRESH, J.**]

This Writ Appeal is directed against the cost imposed by the learned Single Judge in W.P.(MD).No.2861 of 2018, dated 14.02.2018.

2. In connected Writ Appeal (MD).No.1302 of 2018, covering the very same issue, this Court by Judgment dated 11.10.2018 deleted the cost portion of the order of the learned Single Judge.

3. Thus, we are inclined to set aside the cost imposed by the learned Single Judge. Accordingly, the order dated 14.02.2018 made in W.P.(MD).No.2861 of 2018 is set aside, insofar as it relates to imposition of cost of Rs.10,000/- alone is concerned.

4. The Writ Appeal is allowed to the extent indicated above.
No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort.St.George,
Chennai 600 009.
2. The Director of Medical Services & Rural Health,
DMS Campus, Annasalai, Teynampet,
Chennai 600 006.
3. The Director of Public Health,
DMS Campus, Annasalai, Teynampet,
Chennai 600 006.
4. The Director of Medical Education,
Kilpauk, Chennai 600 010.



5. The Chairman,
Medical Services Recruitment Board,
DMS Campus, Annasalai, Teynampet,
Chennai 600 006.

WEB COPY

+1cc to Mr.AN.Ramanathan, Advocate Sr.No.91836
+1cc to Mr.T.S.Mohammed Mohideen, Advocate Sr.No.92277

NB

VB/SKN/SAR4/14.11.2018/3P/8C

JUDGMENT MADE IN
W.A. [MD] .No.1295 of 2018
25.10.2018