



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.[MD].No.1302 of 2018

K.S.Mahalakshmi

:Appellant/Writ Petitioner

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 Medical Services Recruitment Board,
Rep by the Member Secretary,
DMS Campus, Annasalai, Teynampet,
Chennai 600 006.
- :Respondents/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.2339 of 2018, on the file of this Court.

Prayer in WP(MD). 2339/ 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 had 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 Court.



For Appellant : Mr.AN.Ramanathan
For respondents 1 to 4: 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.2339 of 2018, dated 14.02.2018.

2. The learned counsel appearing for the appellant would submit that though the order passed by the Division Bench was enclosed in the typed set of papers, no averment was made in the affidavit filed in support of the Writ Petition. Therefore, there is no suppression of fact involved.

3. We have perused the documents filed by the appellant. We find that the submission made by the learned counsel appearing for the appellant appears to be correct. The order of the Division Bench has been enclosed in the typed set of papers filed before the learned Single Judge. 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.2339 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 (CS-I)

// 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, Government General Hospital, 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.

+ 1 CC TO MR.AN.RAMANATHAN, ADVOCATE IN SR NO.90471
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.90476
+ 1 CC TO MR.T.S.MOHAMMED MOHIDEEN , ADVOCATE IN SR NO.90270

NB

BU/NM/SV/SAR-IV :14.11.2018 : 3P/8C

JUDGMENT MADE IN
W.A. [MD] .No.1302 of 2018
11.10.2018