



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.17691 of 2013
and
M.P(MD).No.1 of 2013

A.Maria Lawrence

... Petitioner

-Vs-

1.The Project Director,
Tamil Nadu State Aids Control Society,
417, Pantheon Road,
Egmore, Chennai-600 008.

2.The District Programme Manager,
District AIDS Prevention and Control Unit,
Ayurveda Medical College Hospital,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, call for the records relating to the impugned order in Roc.No.KK/DAPCU/A1/212/2013 dated 10.10.2013 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.M.Saravanan

For R1 : Mr.T.Balaji

For R2 : No Appearance

ORDER

The order of relieving issued against the writ petitioner in proceedings dated 10.10.2013 passed by the second respondent is under challenge in this writ petition.

2.The writ petitioner was selected and appointed as Counselor for ART Centre at Kilpauk Medical College Hospital, Chennai on 19.11.2005 by the South India AIDS Action Programme Officer. The writ petitioner joined in the post and was continuing in the post. While so, the first respondent issued a notice to the writ petitioner on 06.09.2013 stating that certain complaints were



received against the writ petitioner in respect of certain allegations and accordingly, issued one month notice for termination of contract service agreement with effect from 10.10.2013.

3. The learned counsel appearing for the petitioner states that the respondents ought to have accepted the explanation submitted by the writ petitioner. The petitioner states that the allegations set out in the complaint are false in nature and the writ petitioner was rendering his services in at most care and devotion. However, this Court cannot go into these allegations and counter allegations. At the out set, the writ petitioner was appointed by the Society, which is registered under the Societies Registration Act and not a State within the meaning of Article 12 of the Constitution of India. When the writ petitioner is not an employee of the State, cannot file this writ petition. Accordingly, the remedy lies to the writ petitioner under the common law and not under the writ jurisdiction.

4. In this view of the matter, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The Project Director,
Tamil Nadu State Aids Control Society,
417, Pantheon Road,
Egmore, Chennai-600 008.

2. The District Programme Manager,
District AIDS Prevention and Control Unit,
Ayurveda Medical College Hospital,
Nagercoil,
Kanyakumari District.

+One cc to M/s.R.Subramanian, Advocate, SR.No.50074

+One cc to Mr.T.Balaji, Advocate, SR.No.49963

skn

RL/5C/2P/GT/SAR4/4/4/2018

W.P. (MD) No.17691 of 2013
and

M.P (MD) .No.1 of 2013
20.02.2018