

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.29962 of 2008 and
M.P.Nos.2 and 3 of 2008

1. M.R.Sivakumar
2. B.Manivannan
3. G.Murali
4. S.Selvaraju
5. A.R.Senthil Kumar
6. J.Rajesh Kumar
7. M.Thangamani
8. S.Rajkumar
9. D.Natarajan
- 10.A.Vasudevan
- 11.G.Marisamy
- 12.K.Senthamil
- 13.P.Manjunathan
- 14.M.Pushpa Benshihar
- 15.G.Porkodi
- 16.S.P.Saravanakumar

.. Petitioners

Vs

- 1.The Secretary to Govt.,
Health and Family Welfare Dept.,
Fort St. George, Chennai - 9.

- 2.The Director of Public Health and
Preventive Medicine,
DMS complex,Teynampet Chennai - 6.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to G.O. (Ms.) No.335, Health and Family Welfare (EAP ½) Department, dated 15.10.2008 passed by the 1st respondent and quash the same and consequently direct the respondents to cancel the appointments of contractual employees working under Revised National Tuberculosis Control Programme to the posts of Lab Technician Grade-III made under the said G.O. and further direct the respondents to appoint the petitioners to the said posts of Lab Technician Grade III.

For petitioners

: Ms.C.Uma

For respondents

: Mr.K.Ravikumar, AGP

ORDER

The petitioners, who are all aged about more than 30 years, have filed this writ petition in the year 2008 seeking to quash the G.O. (Ms.) No.335, Health and Family Welfare (EAP ½) Department, dated 15.10.2008 passed by the 1st respondent and to issue a consequential direction, directing the respondents to cancel the appointments of contractual employees working under Revised National Tuberculosis Control Programme to the posts of Lab Technician Grade-III made under the said G.O. and to appoint the petitioners to the said posts of Lab Technician Grade III.

2. The issue raised in the present Writ Petition is no longer res integra since the same has already been considered and decided by this Court in W.P.No.27942/2008 dated 11.03.2019 (D.Vetrivel and 23 others vs. The Secretary to Government, Health and Family Welfare Department, Fort St. George, Chennai-9 and two others). The relevant portion is extracted here under :

'3. Besides, it is to be noted that earlier, the post of Lab Technician was filled by recruiting the candidates on the basis of seniority maintained in the employment exchange, but, now, that mode of appointment has been completely changed, for, the State Government is now recruiting the candidates for the said post through direct recruitment by issuing Notification calling for applications from the eligible candidates to participate in the written examination followed by the interview. Therefore, the seniority of the candidates maintained in the employment exchange has become meaningless, as the candidates, who have not registered their names in the employment exchange also, can participate now.

4. Thus, for the reasons stated above, the writ is dismissed as infructuous. No Costs.'

3. At this stage, the learned Additional Government Pleader appearing for the respondents submitted that the petitioner Nos.14, 15 and 16 have also filed individual Writ Petitions and the said writ petitions were also dismissed by this Court. Further, the petitioners cannot maintain the present Writ Petition on the ground of over-age as most of the petitioners have now crossed over and above 40 years.

4. In view of all the above and following the earlier order of this Court in W.P.No.27942/2008 dated

11.3.2019, I find no merit in the Writ Petition and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

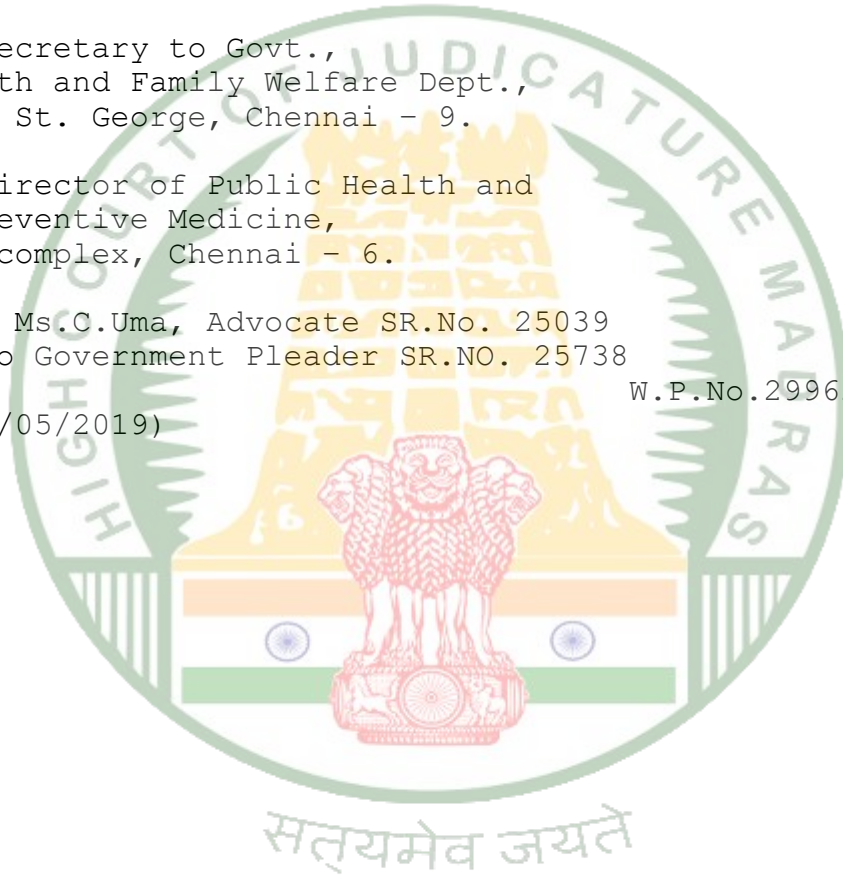
1.The Secretary to Govt.,
Health and Family Welfare Dept.,
Fort St. George, Chennai - 9.

2.The Director of Public Health and
Preventive Medicine,
DMS complex, Chennai - 6.

+1cc to Ms.C.Uma, Advocate SR.No. 25039
+1 cc to Government Pleader SR.NO. 25738

W.P.No.29962 of 2008

A.SK(01/05/2019)



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