

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25775 of 2019

D.Sivakumar  
Laboratory Supervisor,  
Department of Pharmaceutical Chemistry,  
Madras Medical College,  
Chennai- 600 003

..Petitioner

vs

1. State of Tamilnadu  
Represented by Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai- 600 009.
  2. The Director of Medical Education,  
Kilpauk, Chennai- 600 010.
- .. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus or any other appropriate writ, direction or order in the nature of a writ, directing the respondents to consider the candidature of the petitioner to the post of Research Assistant (Non-Medical) in Madras Medical College as per G.O.Ms.491 dated 22.10.2018 and pass orders.

For Petitioner : Mr.K.J.Parthasarathy

For Respondents : Mr.R.S.Selvam,  
Government Advocate for R1  
Mr.D.Venkatachalam, SpL.GP. for R2

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O R D E R

The petitioner filed this Writ Petition seeking direction to the respondents to consider the candidature of the petitioner to the post of Research Assistant (Non-Medical) in Madras Medical College as per G.O.Ms.491 dated 22.10.2018

2. The case of the petitioner is that the petitioner served as a Laboratory Assistant Grade II from 27.11.2000 and promoted to Laboratory Supervisor on 15.09.2009. The petitioner is entitled for the post of Research Assistant (Non Medical). The petitioner alongwith one R. Soundaram filed the W.P.No.21459 of 2009 to quash G.O.Ms.No.251 Health and Family Welfare (AA1) Department dated 17.10.2015 and consequential G.O.Ms.No.24 Health and Family Welfare (AA1) Department dated 08.01.2008 and other reliefs. This Court disposed of the above Writ Petition with a direction to revisit the impugned G.O. And examine inclusion of category of persons like the petitioner who are working as Laboratory Supervisors as one of the feeder categories for promotion to the post of Research Assistant (Non Medical) by considering their educational qualification and also weightage of the experience gained by them in the field concerned. However, the respondents failed to comply with the directions of this Court and hence the petitioner filed Contempt Petition No.806 of 2018 before this Court. Thereafter the respondents issued G.O.Ms.No.491 dated 22.10.2018 complying the directions which was recorded by this Court and the contempt petition was closed on 11.04.2019. Thereafter the petitioner made a representation to the respondents on 03.12.2018 to consider his candidature for the post of Research Assistant (Non Medical) but till date his representation was not considered by the respondents. Hence the present Writ Petition.

3. The learned counsel for the petitioner submitted that it would be suffice to issue direction to the respondents to consider the representation dated 03.12.2018 and pass order on merits and in accordance with law.

4. Considering the above facts and circumstances and the limited request made by the petitioner, I am inclined to issue direction to the respondents to consider the representation dated 03.12.2018 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The State of Tamilnadu  
Health and Family Welfare Department,  
Secretariat, Chennai- 600 009.
2. The Director of Medical Education,  
Kilpauk, Chennai- 600 010.

+lcc to Mr.K.J.Parthasarathy, Advocate, S.R.No.89320  
+lcc to the Government Pleader, S.R.No.89655

W.P.No.25775 of 2019

LN(CO)  
CS/28/11/2019



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