

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29543 of 2019

M.Senthil Kumar

..Petitioner

Vs.

1.The State of Tamil nadu,
Rep. by its Secretary to the Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009

2.The Director of Public Health and
Preventive Medicine,
Tenampet, Chennai-600 006

3.The Deputy Director,
Health Service, Salem,
Salem-636 001

..Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to appoint the petitioner for the post of the Driver similar to the proceedings, dated 25.02.2016 passed by the second respondent.

For Petitioner .. Ms.V.Srimathi

For Respondents.. Mrs.R.Janaki, Addl. G.P

सत्यमेव जयते
ORDER

This writ petition has been filed seeking for issuance of a Mandamus to direct the respondents to appoint the petitioner for the post of Driver similar to the proceedings, dated 25.02.2016 passed by the second respondent.

2. According to the petitioner, he was appointed as Driver on daily wage basis by order dated 29.09.2009 in the Mobile Medical Unit under National Rural Health Mission at Government Primary Health Centre at Namagiripet, Namakkal. While so, third respondent issued a notification dated 22.10.2016 for filling up the post of Drivers. It appears that the petitioner was not called for interview and his candidature

was rejected due to age limit. Aggrieved by the same, the petitioner filed a writ petition challenging notification and thereafter, a writ appeal in W.A No. 2272 of 2018, wherein, this Court directed the third respondent to consider the candidature of the petitioner by giving him due relaxation in age. Thereafter, the petitioner made a representation on 05.07.2019 to the third respondent to consider his case and appoint him in a regular post of Driver. However, there was no response forthcoming from the third respondent. Hence, the petitioner has come forward with the present writ petition.

3.The learned counsel for the petitioner would submit that the petitioner has been working as Driver on daily wages for the last 10 years and pursuant to the notification dated 22.10.2016 though the petitioner applied for the post of Driver, he was not considered due to age criteria. He would also submit that this Court has directed the respondents to consider the claim of the petitioner by granting due relaxation in age, however, the third respondent has not considered. The learned counsel would refer to a order dated 19.03.2015 passed by this Court in W.P.No.26403 of 2012, wherein, in regard to similarly placed persons this Court has directed the respondents therein to regularise their services. He also refer to the proceedings of the second respondent dated 25.02.2016, wherein absorption of 14 Drivers working in Tamil Nadu State Blindness Society in the existing vacancies by relaxing the age, rule of reservation etc. Therefore, the learned counsel seeks a direction to the respondents as prayed for in the writ petition.

4.Considering the facts and circumstances and the submissions made by the learned counsel for the petitioner and in view of the fact that the post of Driver is still vacant, and the petitioner has been working on consolidated pay for more than 10 years, the respondents are directed to consider the representation of the petitioner made on 05.07.2019 and pass appropriate orders therein in regard to appointment of the petitioner on regular basis, in accordance with law in the light of the proceedings of the second respondent dated 25.02.2016, within a period of twelve weeks from the date of receipt of the copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to the Government of Tamil Nadu
Health and Family Welfare Department,
Secretariat, Chennai-600 009

2. The Director of Public Health and
Preventive Medicine,
Tenampet, Chennai-600 006

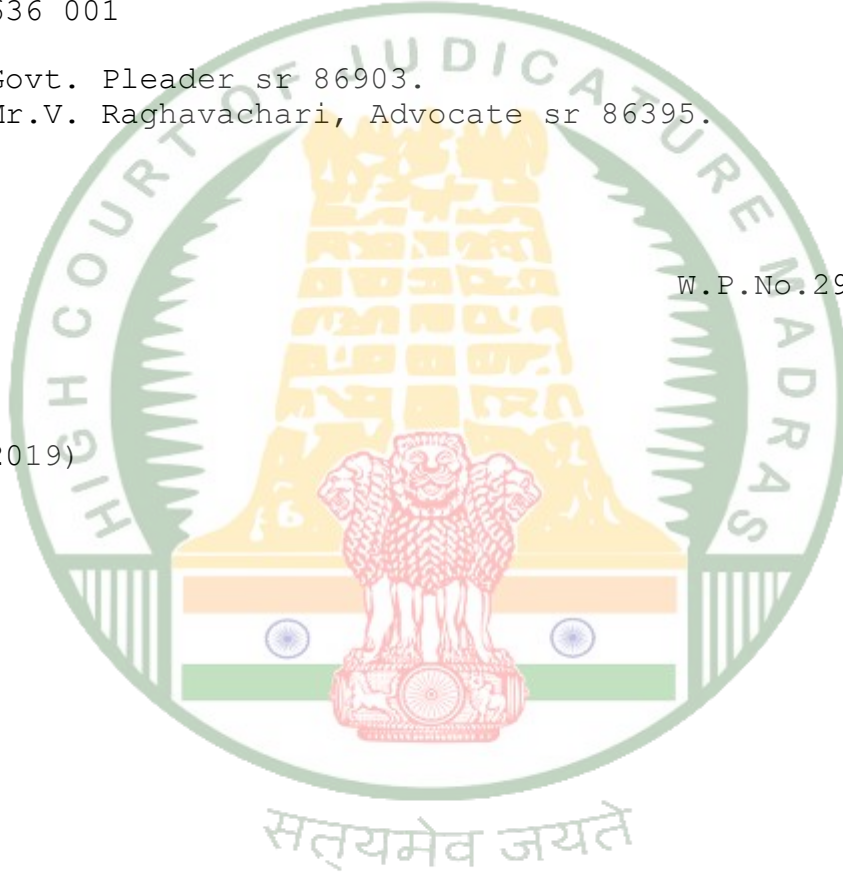
3. The Deputy Director,
Health Service, Salem,
Salem-636 001

+1 CC to Govt. Pleader sr 86903.

+1 CC to Mr.V. Raghavachari, Advocate sr 86395.

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PVS (CO)
SP(18/11/2019)



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