

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.34034 of 2019

S.Devaraj

Petitioner

vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2. The Director,
Directorate of Medical Examination,
Poonamallee High Road,
Kilpauk, Chennai - 600 010.

3. The Principal,
Coimbatore Medical College,
Coimbatore - 641 014.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to extend the similar benefits given to the Markers working in the Arts and Science College as per G.O.Ms.No.602, Higher Education (G2) Department dated 04.12.1997 and regularize the petitioner's services with retrospective effect from 04.12.1997 and confer all the attendant benefits.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondents: Mr.P.S.Sivashanmugasundaram

Special Government Pleader for R1

Mr.V.Kathirvel

Special Government Pleader for R2 & R3

ORDER

This writ petition has been filed for a writ of mandamus directing the respondents to consider the representation made by the petitioner and to regularize the services of the petitioner as a Marker in the 3rd respondent Medical College.

2.It is seen from records that the petitioner is working as a Marker in the 3rd respondent College for the past 33 years from the year 1986 onwards. It seems that from the year 2018, the

petitioner is being terminated every year and is reappointed on daily wages. Since the petitioner became uncertain about his future, he made a representation to the respondents on 20.08.2019 seeking for regularization of service. The petitioner has based this claim on two Government orders viz., G.O.Ms.No.602 dated 04.12.1997 and G.O.Ms.No.314 dated 02.09.2005. Since, the representation was not considered, the present writ petition has been filed before this Court.

3. Heard Mr.M.Vijaya Ragavan, learned counsel appearing on behalf of the petitioner, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the 1st respondent and Mr.V.Kadhirvel, learned Special Government Pleader appearing on behalf of the 2nd and 3rd respondents.

4. Taking into consideration the facts and circumstances of the case and limited relief that has been sought for in this writ petition, there shall be direction to the 1st respondent to consider the representation made by the petitioner on 20.08.2019 and pass necessary orders strictly in accordance with law, within a period of eight weeks from the date of receipt of copy of this order. The respondent shall take into consideration the Government orders that has been issued in this regard.

5. This writ petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary, Health and Family Welfare Department,
Fort St. Geogre, Secreariat, Chennai - 600 009.
2. The Director, Directorate of Medical Examination,
Poonamallee High Road, Kilpauk, Chennai - 600 010.
3. The Principal,
Coimbatore Medical College, Coimbatore - 641 014.

+1 cc to M/s.M.Vijayaraghavan, Advocate Sr.No. 102021

+1 cc to The Government Pleader Sr.No. 102509

AKM/11.12.19/2P-6C /

W.P No.34034 of 2019