

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.11.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32528 of 2019
And
W.M.P.Nos.32880 to 32883 and 32885 of 2019

1.S.Chandra Sekar
2.K.Sathishkumar
3.M.Naveen Kumar
4.P.Kalaiselvi
5.S.Shanmuga Sundari
6.T.Sundari
7.Jain Siromani A
8.C.Murukesan
9.Anitha M
10.Manikanda Prabhu G ... Petitioners

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Medical Education,
No.162, Periyar E.V.R. High Road,
Kilpauk,
Chennai - 600 010.

3.The Director of Medical & Rural Health Services,
3rd Floor, DMS Complex,
No.359, Anna Salai, Teynampet,
Chennai - 600 006.

4.The Medical Services Recruitment Board,
rep. by its Member Secretary,
7th Floor, DMS Building,
No.359, Anna Salai, Teynampet,
Chennai - 600 006. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records culminating in CV Intimation No.08/MRB/2016, dated 12.11.2019, issued by the 4th respondent and quash the same and consequently direct the 4th respondent to call for the petitioners and similar candidates with Diploma in Medical Laboratory Technology (DMLT), who had applied for the post of Laboratory Technician Grade II for Certificate Verification, including the petitioners herein and to proceed to make appointment on merits and in accordance with law.

For Petitioners: M/s.L.S.M.Hasan Fizal

For Respondents: Mr.A.N.Thambidurai for R1 and R3

Special Government Pleader

Mr.V.Kadirvelu for R2

Special Government Pleader

Mr.M.Loganathan for R4

O R D E R

The petitioners have filed this petition seeking issuance of Writ of Certiorarified Mandamus to call for the records culminating in CV Intimation No.08/MRB/2016, dated 12.11.2019, issued by the fourth respondent and to quash the same and to consequently direct the fourth respondent to call for the petitioners and similar candidates with Diploma in Medical Laboratory Technology (DMLT), who had applied for the post of Laboratory Technician Grade II for Certificate Verification, including the petitioners herein and to proceed to make appointment on merits and in accordance with law.

2.The case of the petitioners is that the petitioners have completed two years Diploma in Medical Laboratory Technology (DMLT) conducted by the King Institute of Preventive Medicine and Research, recognized and approved by the Director of Medical Education and they have registered in the respective District Employment Exchanges. According to the petitioners, they possess the qualification for appointment to the post of Laboratory Technician Grade II under direct recruitment based on District Employment Exchange seniority.

3.It is the further case of the petitioners that the Government issued G.O.Ms.No.22, Health and Family Welfare (C2) Department, dated 29.01.2010 stating to fill up the vacant posts of Laboratory Technician Grade II with candidates possessing DMLT qualification based on State wide Employment Exchange seniority. Accordingly, the petitioners were selected by the

Committee consisting of respondents 2 and 3 and the Director of Medical and Rural Health Services (ESI) and were also called for Certificate Verification on 22.09.2010 by the proceedings of the third respondent dated 30.08.2010.

4.It is the further case of the petitioners that the petitioners also attended the Certificate Verification, however, no appointment order was issued citing the General Assembly Elections held during the year 2011. The petitioners were assured that they would be appointed immediately after the elections. Whiles, the fourth respondent issued CV Intimation dated 12.11.2019, calling 660 persons for 524 posts of Laboratory Technician Grade II. Aggrieved by the same, the petitioners have filed this writ petition.

5.The learned counsel appearing for the petitioners would submit that writ petitions relating to similar issue were filed before the Madurai Bench of this Court and the Madurai Bench of this Court has directed the respondents therein to consider the petitioners therein for Certificate Verification. Accordingly, the respondents therein issued call letters calling the petitioners therein for Certificate Verification.

6.The learned Special Government Pleaders on instructions, would submit that this Court may permit the petitioners to make representation for Certificate Verification for appointment to the post of Laboratory Technician Grade II and if any such representation is received, the same will be considered and appropriate orders will be passed in favour of the petitioners, in accordance with law, within a period of four weeks from the date of receipt of such representation.

7.The petitioners possess DMLT qualification and based on State wide Employment Exchange seniority, the petitioners were selected by the Committee consisting of respondents 2 and 3 and the Director of Medical and Rural Health Services (ESI) and were also called for Certificate Verification on 22.09.2010 by the proceedings of the third respondent dated 30.08.2010. The petitioners also attended the Certificate Verification, however, no appointment order was issued citing the General Assembly Elections held during the year 2011. Further, the petitioners were assured that they would be appointed immediately after the elections.

8.Hence, irrespective of the orders passed by the Madurai Bench of this Court in similar issue, this Court grants permission to the petitioners to make representation to the

respondents within a period of one week from the date of receipt of a copy of this order. If any such representation is received, the respondents shall consider the same and pass appropriate orders, within a period of four weeks from the date of receipt of such representation, taking into consideration the fact that the petitioners have earlier participated in the selection process.

9.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Director of Medical Education,
No.162, Periyar E.V.R. High Road,
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- +2 ccs to M/s.L.S.M.Hasan Fizaz Advocate sr99034
+1 cc to Government Pleader sr99423

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aa03/12/2019